

PREFACE

The purpose of this manual is to provide information and guidelines that will assist dairy inspectors as they carry out their duties. This manual clarifies certain aspects of laws and regulations which require further interpretation to promote uniform enforcement. Each person should keep this manual in their possession at all times while on duty.

DEFINITION OF TERMS

IN ORDER TO CONSERVE SPACE AND TO AVOID NEEDLESS REPETITION IN THIS MANUAL TITLES WILL BE ABBREVIATED AS FOLLOWS:

1. "Grade "A" Regulations" will be used to indicate 2 VAC 5-490-10 thru 2 VAC 5-490-140, Regulations Governing Grade "A" Milk.
2. "Bulk Tank Regulations" will be used to indicate 2 VAC 5-500-10 thru 2 VAC 5-500-80, Regulations Governing The Cooling, Storing, Sampling, And Transporting Of Milk Or Milk Samples From The Farm To The Processing Plant Or Laboratory.
3. "Ice Cream Regulations" will be used to indicate 2 VAC 5-510-10 thru 2 VAC 5-510-660 Rules And Regulations Governing The Production, Processing, And Sale Of Ice Cream, Frozen Desserts, And Similar Products.
4. "PMO" will be used to indicate the Grade "A" Pasteurized Milk Ordinance, 1989 Recommendations of the United States Public Health Service and its revisions.
5. 5. "Manufacturing Milk Regulations" will be used to indicate 2 VAC 5-530-10 thru 2 VAC 5-530-140, Rules and Regulations Governing the Production Handling, and Processing of Milk for Manufacturing purposes and Establishing Minimum Standards for Certain Dairy Products to be Used for Human Food.

GUIDELINES FOR THE DAIRY INSPECTOR

As a representative of the Department of Agriculture and Consumer Services, you must conduct yourself at all times in a manner which will reflect credit on the Department. You must be tactful in all situations. If you do not know the answer to a question, you should state that you do not know but will try to get the answer. It is much easier to learn about a particular problem by listening rather than by talking. Keep an open mind and be ready to listen and learn. Do not have a "know-it-all" attitude. You should take advantage of all opportunities to increase your knowledge and skills. You must be receptive to change, retain personal ambition, and possess an eagerness to grow.

You must remember that as a representative of the Commissioner of Agriculture, you must work beyond the scope of your immediate job. The motives that you have in mind as you go about your work from day to day will determine your success and the success of the organization you represent. In order for dairy programs to be successful there must be a spirit of cooperation between the dairy inspector and laboratory personnel, and a conscientious effort to perform the tasks necessary to get the job done.

You must realize your responsibility to be reliable and dependable. You must not accept favors or gifts, or allow any situations to exist which may comprise your position as a dairy inspector. You must not allow yourself to become involved in any business which would be considered a conflict of interest.

Politeness and good grooming are as important in the dairy inspector's work as in any other profession. You must consider how your actions and appearance affect the people with whom you come in contact. A clean vehicle and clean equipment, such as cooler cases, add to the confidence that people have in the dairy inspector.

You should not use tobacco in any form on dairy farms or in milk plants.

You should wear boots at farms and sanitize your boots before leaving the farm.

Appropriate and possibly different attire should be worn when inspecting farms, dip shops, and milk plants. Try to arrange your schedule so that dip shops and plants are inspected on separate days from dairy farms. For obvious reasons, it is not desirable to enter plants or dip shops wearing clothing that you wore while inspecting farms. If it is necessary to inspect dip shops, plants, and farms on the same day, it is advisable to inspect dip shops and plants first and the farms last.

You should avoid gossip at all times and not discuss other people's problems.

Care must be taken to avoid the recommendation of any particular brand of equipment, manufacturer, or supply company when advising producers on equipment

installations.

When talking to people concerning inspections, you should talk to the person responsible, and remember that it is extremely important to control your temper and emotions. During conversations concerning inspections, you should make every effort to assure the producer's understanding of the instructions.

If, during an inspection you should break a piece of equipment and must replace it, you should obtain two copies of a receipt for the cost of replacement. One receipt shall be turned in with the expense account and one sent in to be used by the Department to collect from the insurance company.

When submitting reports you should keep in mind that legibility is of extreme importance. A messy inspection report indicates carelessness, and illegible reports present problems for those interpreting them. Promptness in submitting reports is very important to confirm actions taken in the field.

As long as a person is employed by the Department of Agriculture and Consumer Services they should support the Department. No matter how disenchanted they may become, if they continually build up the Department in front of the public, they will benefit in the long run.

Copy of Grade A Farm Inspection Sheet Goes Here

PROCEDURE FOR COMPLETION OF DAIRY FARM INSPECTION REPORT D&F 19

The dairy farm inspection report form D&F 19 is to be used to report all Grade "A" dairy farm inspections.

Spaces 1 through 10 must be completed for each inspection (see the numbered copy following these instructions).

Spaces 11 through 13 should be filled in as often as possible. The person supplying this information should be the owner or someone designated by the owner as being qualified to supply this information. No information should be reported unless it is known to be accurate.

Space 14 should be checked whenever a "milking time inspection" is performed. Milking Time Inspections should be recorded in the inspector's producer record book.

Space 15 should be checked whenever the inspection being performed is a required inspection as the result of an official notice, warning letter, suspension, or other enforcement activity.

Violations should be marked by an (X) beside the appropriate debit on the inspection sheet. This information should be recorded in the inspector's producer record book.

Whenever the "Remarks" area is not sufficient to contain all the documentation required by the inspector, a Sanitary Observation Sheet should be completed.

The original inspection sheet should be left on the dairy farm and one copy must be sent to the Regional Supervisor.

Inspectors are asked to copy information directly from their producer record books and not from a past inspection sheet to avoid continuing errors inspection after inspection.

Inspectors should describe conditions noted during inspections and avoid listing actions necessary to correct violations. Descriptions of conditions aid the Regional Supervisor in evaluating the appropriateness of the marks on the inspection sheet. This is very important when questions are asked by producers concerning actions taken by inspectors. Some examples of do's and don'ts on reporting follow:

- DO: Parlor walls and ceiling not finished adequately. Peeling paint, repaired area not painted.
- DON'T: Paint parlor. or Parlor in need of painting.
- DO: Claw bottoms in poor repair. Milk inlets not flush inside claw and are not smooth.
- DON'T: Milk claws in need of repair or Fix claws.
- DO: Receiver, Claws, Inflatons, Pipeline, Discharge Pipe, and Milk Sensors not clean. All contain milkstone build-up.
- DON'T: Milking equipment filthy or Milking equipment in need of cleaning.
- DO: Surroundings not neat and clean. Garden tools, tractor parts, fuel cans, hand tools, trash cans, accumulation outside of milkroom not neat or clean.
- DON'T: Clean up around dairy or Need thorough cleaning.

Abnormal Milk Survey Report Goes Here

MILKING TIME INSPECTIONS

A milking time inspection will be made on at least twenty percent of the farms assigned to each inspector each year. Whenever a milking time inspection is made, the appropriate box on the inspection report should be marked and "MTI" entered in the inspector's record book. The inspector's record book will be checked by the regional manager during quarterly surveys to determine compliance with this requirement. For the purposes of this requirement, the year will be from October 25th through October 24th of the following year so that it will coincide with the performance evaluation cycle.

A milking time inspection will be made on each farm as soon as practical whenever two of the last four somatic cell counts exceed the legal limit and the producer is issued a Somatic Cell Warning Letter. During this inspection, the Abnormal Milk Survey Report will be completed along with the regular inspection report. **An abnormal milking time inspection is optional if the producer has had two previous somatic cell warning letters within the last 12 months.** The follow-up milk sample must be taken within the time frame designated in the warning letter. These inspections may count toward the twenty percent requirement mentioned above.

ANIMAL HEALTH

The procedures outlined under this section will serve as a guide to the enforcement of the Grade "A" Regulations, Section 2 VAC 5-490-60.

1. The diagnosis of diseases of dairy cattle shall be based upon the finding of Virginia licensed veterinarians or of veterinarians in the employ of the Virginia Department of Agriculture and Consumer Services or of the U. S. Department of Agriculture.
 - A. In the confirmation of any such diagnoses, the State Veterinarian may require such physical, chemical, or bacteriological testing as he may deem necessary.
 - B. All diseased animals disclosed by such diagnoses and/or testing shall be handled and disposed of as the State Veterinarian may direct.
2. Each Grade "A" producer's milk shall be routinely screened by means of the Brucellosis Ring Test (BRT) at least four times per year at approximately equal intervals as requested by the dairy inspector on the milk transcript. The Brucellosis Ring Test shall be conducted in the Regulatory Laboratories of the Virginia Department of Agriculture and Consumer Services, Division of Animal Health.
 - A. Reactions to the screening test shall be interpreted either as "Negative" or as "Incomplete".
 - B. Milk samples giving a "Negative" reaction on the screening test are to be discarded after testing is completed; all milk samples giving reaction interpreted as "Incomplete" on the screening test shall be retained in the laboratory for one week, for retesting.
 - C. "Negative" and "Incomplete" results are to be recorded on the milk transcript.
 - D. Retest: The producer is to be advised of the results of the retest by means of a form letter.
3. Blood Test: Any herd showing any "Positive" reactions on the BRT retest, shall be subjected to an agglutination blood test of the entire herd, within 30 days of receipt by the producer of written notice to that effect.
 - A. Blood samples for agglutination testing will be drawn by a veterinarian in the employ of the Virginia Department of Agriculture and Consumer Services, at no cost to the producer.
 - B. Those herd owners whose herd are suspicious to the Brucellosis Milk Ring Test and who do not permit the State or Federal veterinarian to bleed their herd, such veterinarian shall notify the respective dairy inspector and coordinator, Animal Health Services, at Richmond headquarters.
4. Upon being notified of failure on the part of the milk producer to comply with all requirements of the regulations governing tuberculosis, brucellosis, and other

diseases of the dairy herd, the dairy inspector shall issue an official notice to the producer stating that he must comply with the requirements in order to maintain his permit. The producer must be notified of the right to a hearing.

STORAGE OF EQUIPMENT IN OPEN-ENDED MILKING PARLORS

Milking parlors without four walls may be approved as long as the requirement prohibiting animals and fowl from entering the parlor is satisfied. However, if milking equipment is stored in the parlor, the following guidelines apply.

Whether or not parlor doors or openings must be kept closed or may be left open is determined by the areas adjacent to the openings.

- A. When milking equipment is stored in a milking parlor or barn that is connected to a cattle housing or feeding area, the parlor openings into that area must be kept closed at all times when not in use.
- B. When milking equipment is stored in a milking parlor that opens into a closed area that is not used for feeding or housing cattle, the parlor openings into that area may be left open provided the adjoining area meets the same requirements as the milking parlor. If the adjoining closed area does not meet the same requirements as the parlor, then the parlor openings to that area must be kept closed when not in use.
- C. When milking equipment is stored in a milking parlor which opens into an open area or an area that has a roof but does not have walls, the parlor openings may be left open.

WATER SUPPLIES

Water for milkhouse and milking operations shall be from a supply properly located, protected, and operated, and shall be easily accessible, adequate, and of a safe sanitary quality.

1. All water supplies for Grade A dairy farms shall comply with the administrative procedures under Item 8r of the PMO (1989 Edition) and shall also comply with requirements outlined in Appendix D and bacteriological standards outlined in Appendix G of the PMO (1989 Edition). In addition all supplies must comply with the Grade "A" Regulation, Section 2 VAC 490-50 (B)(1)(J) Item 8r.
2. All well casings shall terminate 2 feet above the ground level with the exception of existing approved pit installations. No buried well seals will be permitted.
3. Frost-proof hydrants are not approved unless they are installed in a high, dry area and there is no indication of surface pooling around them. No frost-proof hydrants should be located less than 10 feet from any water supply.
4. Water booster pumps shall not be used unless they can be installed and operated in such a manner as to preclude the possibility of contamination of the dairy farm water supply. At the present time, the only acceptable methods of protection are:
 - A. A minimum-pressure switch installed on the pump on the water intake line. This pressure switch must be set at a minimum of ten pounds per square inch and should be electrically interlocked with the pump so that the pump will not operate whenever the pressure on the water system is below ten pounds per square inch;
 - B. A water storage barrel connected to the intake line of the pump; provided that the water feed line from the sanitary water source discharges into the barrel at least one inch above the highest point water in the barrel will reach before overflowing; or
 - C. A separate water supply from that potable water supply which is used for washing dairy equipment and the cows.
5. Vacuum breakers shall be properly installed and accessible for inspection. Such devices may not be installed in a pit unless the pit has a drain to the top of the ground.
6. Water inlets to wash vats shall not be submerged.
7. Samples of water from supplies shall be taken upon initial approval of the physical structure and at a frequency not to exceed three years thereafter or whenever any repair or alteration in the water supply system has been made. Prior to approving an application for a permit a satisfactory test result shall be obtained of the water

supply.

8. No sample shall be taken prior to the inspection and approval of the physical protection of the water supply.
9. Samples of water from water supplies approved physically which test positive shall be reinspected and if no physical corrections are necessary, the supply shall be disinfected, reinspected, and sampled not before five days after disinfection. If the sample collected after five days is positive, the supply shall be reinspected and sampled. If the third sample collected is still positive, the water supply shall be properly treated continuously by some method to render the water potable or a new, approved water supply made available. Before sampling a supply after it has been disinfected a test will be made for chlorine residual.

The three methods that are approved for systems that must be continuously disinfected are: (i) chlorination; (ii) iodination; and (iii) treatment with ultra-violet light. On any farm where the water supply must be continuously treated, the inspector should inspect the treatment equipment and test the water *if possible* to ascertain that the treatment system is properly operating. It is emphasized that this should be done on every farm inspection.

In cases where an ultra-violet light is used, it is important that the manufacturer's recommendations be followed and the bulb changed at least once a year. This is necessary because most UV lights are not equipped with a light meter to monitor the strength of the UV rays. A tag should be attached to each unit indicating: (1) the date the unit was installed; (2) who made the installation; (3) the date the bulb was changed; and (4) who changed the bulb each time the bulb is changed.

10. When an inspection is made on a farm having the last water sample positive, Item 8b shall be marked. When necessary, due to poor cooperation, the inspector may issue an official notice to the producer, specifying a definite period of time to make corrections in order to render the water supply safe or obtain a new water supply. After the issuance of the official notice, if the water supply is not safe as determined by inspection of physical supply or by laboratory test, the producer's permit shall be suspended.
11. When public water supplies are used as the water source for dairy farms, the inspector shall determine the responsible authority for the water supply and obtain reasonable assurance that the water supply is approved. Public water supplies not located on the dairy farm shall not be sampled or inspected.
12. Whenever a water sample is drawn anywhere other than in the milkroom, the place from which the sample was drawn must be indicated on the water sample transcript.

13. The responsible agency for approval of water supplies for a producer-distributor shall be the Health Department, unless separate water supplies are provided. The Health Department has the responsibility to sample the water supply of the producer-distributor. Debits on surveys which pertain to the water supply go against the agency being surveyed.

TOILET

Each Grade A dairy farm is required to have toilet facilities conveniently located to the dairy. Requirements for the toilet are given in Appendix C of the PMO (1989 edition). If no hired help is employed, the toilet in the home of the dairyman will meet this requirement if it is located within 300 feet of the dairy facilities.

If non-family labor is employed, toilet facilities must be provided and conveniently located to the dairy.

Flush toilets must be discharged to an approved septic system. Raw human sewage may not be discharged into an animal waste system.

Inspectors should note that some counties do not approve pit privies.

COOLING

The procedures outlined under this section are based on the Grade "A" Regulations 2 VAC 5-490-50 B(1)(u) item 19r and the Bulk Tank Regulations, Section 2 VAC 5-500-50.

The following procedures are to be followed when violations involving temperature are noticed:

1. Any farm bulk tank milk found to be above 50 degrees Fahrenheit, except during the first milking, will be treated as a public health hazard. The inspector will immediately suspend the producers permit. See example notice page 64. The producer's permit may be reinstated after the bulk tank is empty.
2. When farm bulk tank milk is found to be above 40 degrees Fahrenheit, but not above 50 degrees Fahrenheit two hours after the completion of any milking, the inspector will mark the violation on the inspection sheet, notify the producer and return after the time deemed necessary to correct the violation to check for compliance. If on the follow-up inspection the violation has not been corrected the inspector will issue an Official Warning Notice.
3. NOTE: No enforcement action is to be taken as the result of temperatures recorded on a recording thermometer chart.
4. When recording thermometer charts show that milk in the farm tank is exceeding 50°F during any milking except the first milking the inspector will arrange to return during milking time to check the temperature of the milk in the bulk tank. Any violation will be treated as a public health hazard.
5. An official notice shall be issued to the milk hauler picking up milk when the temperature of the milk in the farm bulk milk tank exceeds 45 degrees Fahrenheit. When a temperature check indicates that the milk in a farm bulk milk pickup tank or transport milk tank exceeds 45 degrees Fahrenheit an Official Warning Notice is to be issued to the person in possession of the milk. A tag stating that this milk shall not be used as Grade "A" milk shall be attached to the outlet valve of the tank.

THERMOMETERS USED BY DAIRY INSPECTION PERSONNEL

1. The dial or digital type thermometer graduated in two degree intervals shall be the type used by the Bureau of Dairy Services. Mercury filled thermometers will be used only in specific areas such as checking pasteurization equipment and other similar types of work where a thermometer graduated in intervals of less than two degrees is required.
2. Each person using a thermometer shall be responsible for seeing that their thermometer is checked initially and rechecked for accuracy at least once every six months. Thermometers may be certified by VDACS Laboratory personnel or certified by Bureau personnel other than the inspector themselves. To certify a thermometer it should be placed in a constantly stirred ice and water bath. If the thermometer reads 32°F then it may be certified. If the thermometer does not read 32°F, it should be adjusted to read correctly. Digital thermometers can not be adjusted and should be replaced. Bureau personnel certifying a thermometer should sign the thermometer certification sheet kept in the inspector's producer record book.
3. Each Regional Supervisor shall assume the responsibility of seeing that the inspectors in their region maintain accurate records in their producer record book of temperature accuracy checks for their thermometers.

RECORDING THERMOMETERS

The procedures outlined under this Section are based on the requirements of The Bulk Tank Regulations, Section 2 VAC 5-500-10.

1. All tanks, new or used, in use on Grade A dairies will be fitted with recording thermometers.
2. General Procedures:
 - A. A recording thermometer is required on each grade "A" dairy in Virginia and should be inspected during routine farm inspections. Should the recorder not reflect the temperature of the milk within plus or minus 1 degree F. as required, the inspector will mark it as a violation on the inspection sheet under 19b.
 - B. The inspector will review the recording charts stored on the farm during farm inspections to establish compliance with these requirements. Failure of the producer to provide a supply of recorder charts, to properly store recorder charts under protected conditions, to maintain the recorder marking device, to maintain the recorder in good repair or other violations of these requirements will be handled like all other violations discovered during inspections. The item will be marked on the inspection sheet and routine enforcement procedures will be used.
3. Installation Requirements:
 - A. All recording thermometers installed on Grade A dairy farms will meet all requirements of the regulation.
 - B. All recording thermometers shall be installed in the milkroom on the wall or suspended by rigid metal brackets from the ceiling or the floor.
 - C. Installation of a recording thermometer does not void the requirement for an indicating thermometer on the bulk tank.
4. Construction:
 - A. Sensor bulbs must be so located as to record the temperature of milk volume in accordance with 3-A Standards. (3-A Standards permit 20 percent of tank volume).
 - B. Acceptable chart sizes will be 8, 10, or 12 inches and strip charts or as approved by the Richmond office.
5. Handling of Recorder Charts:

- A. The milk producer shall maintain an adequate supply of recording charts. A chart available for the next pickup will be considered adequate.
 - B. Recorder charts shall be held on the farm as spelled out in the Bulk Tank Regulations, Section 2 VAC 5-500-50, (60 days), unless approval to handle charts in a different manner is approved from the dairy program supervisor.
6. Notification When Device Becomes Inoperable:
- A. Violation of this requirement shall be handled the same as any other violation, (notification by inspection, official notice, etc.).
 - B. Inspectors are not to adjust recording thermometers!

NOTE: INSPECTORS DO NOT TAKE OFFICIAL ACTION AS A RESULT OF MILK TEMPERATURE INFORMATION RECORDED ON THERMOMETER CHARTS. HOWEVER, WHEN INFORMATION ON THE CHART INDICATES COOLING PROBLEMS, AN INVESTIGATION WILL BE MADE BY THE DAIRY INSPECTOR.

REPORTING

Take care to print or write all reports so that they will be legible and neat. Use caution in composition so that the assemblage of words will clearly convey to the reader the message intended. **Use only black ball point pens.**

The following procedures must be followed when completing the report indicated:

1. D&F 1 Official Warning and Suspension Notices

A. The official warning or suspension notice should be handed to the permit holder. If the permit holder can not be located at the time of issuance of the official notice then the notice, notice of right to a fact finding conference, inspection report, sanitary observation reports, and other appropriate correspondence should be mailed to the permit holder by certified mail(return signature card to Richmond Office). Copies should also be left on the farm, and a copy mailed to the Richmond office. Refer to procedures for notification for right to a hearing on page 44 for more details.

B. Copies:

1. Send a copy of the report to the Richmond office.
2. Present the original report to the dairyman.
3. Retain a copy for personal use.

2. D&F 3 Water Transcript

A. Furnish all of the information necessary to complete the transcript.

1. When a water sample is collected at a farm that does not possess a permit, write "New Shipper" at the top of the transcript. Mark the transcript to have all copies sent to the inspector. After the dairy has been inspected and approved for a permit attach the water transcript to the permit application and send to the Richmond office.
2. Send at least one copy of all water transcripts to the Richmond office.

Copy of 16-E report goes here.

3. D&F 16E's - Instructions for completing VDACS' analysis of raw milk report.

A. RAW MILK SAMPLES COLLECTED ON THE FARM AND TRANSPORT MILK SAMPLES. These instructions reference the attached numbered 16-E form and are to be completed by the dairy inspector. Inspection personnel submitting raw milk samples to VDACS laboratories for analysis should use only **BLACK MEDIUM BALLPOINT INK PENS** and complete the following numbered items:

1. Leave blank;
2. Leave blank;
3. Leave blank;
4. Record where the samples were collected, "ON FARM", or record the permit number of the facility where the milk was sampled(ie: **51-4114** for Shenandoah's Pride, Mt. Crawford). Do not write in the name of the processing plant;
5. Record the date and time samples were collected;
6. Record the number of "Analysis of Raw Milk Reports" in order of use for the days' sampling(ie: 1 of 5; 2 of 5; 3 of 5; etc.);
7. Leave blank;
8. Record the laboratory the samples were submitted to. Use only the laboratory codes for each laboratory (HARR, IVOR, LYNCH, RICH, WARR, WYTH, DCLS-A, DCLS-L, and DCLS-M);
9. Indicate which tests are to be performed on the samples;
10. Record the sampling inspectors' name;
11. Record the sampling inspectors' inspector code number(ie: 02, 20, 08, etc.);
12. Indicate the Cooperative responsible for this load of milk. Use the abbreviation codes according to the attached list(ie. CMPA; CV; DI-R; etc);
13. Use the remarks area to record other information as needed;
14. Record the sampling inspectors' initials in this block(ie: JAB);
15. Record the FULL FIVE DIGIT Grade "A" permit number (ie: 00390) which matches the producer sample and leave blank if a transport tank sample. Reference list ordered by patron number for each cooperative will

be supplied;

16. Record the producers' name from the weigh ticket or record the identity of the truck sampled (ie: Transport tank No. 32). **NEVER COMBINE TRANSPORT TANK SAMPLES WITH PRODUCER SAMPLES ON THE SAME 16-E FORM;**
17. Record the producer's patron number or tank identification number here. **NEVER RECORD ANY NUMBERS OTHER THAN PATRON NUMBERS OR TANK IDENTIFICATION NUMBERS IN THIS BLOCK!**
18. Leave blank for a producer sample collected on the farm. For a transport sample record the compartment from which the sample was taken. Use "F" for front pot; "R" for rear pot; or leave blank if a single pot trailer;
19. Record the sample collect date and time;
20. Record the temperature of the milk;
21. Leave blank;
22. Indicate the number assigned to the milk sample (**DO NOT INCLUDE YOUR INITIALS HERE.**)

B. Instructions for special sampling situations

1. FOLLOWUP SAMPLES: Samples collected in response to warning letters for bacteria and somatic cells. When submitting these required official followup samples mark plainly below the sample information on the 16-E form the words "**FOLLOWUP SAMPLE**".
2. OFFICIAL SAMPLES: Milk samples which will become part of producer or plant quality records. These samples count toward meeting minimum sample numbers and quality standards for IMS.
3. PRODUCERS WITH TWO TANKS: Record Tank A or Tank B after the producer's name or record the tank ID number after the producer's name. Identify the milk samples with the next sample identification number in sequence. **Do Not** cross out the results area for the "B" sample. Leave a blank line between the "B" sample and the next sample on the 16-E and record in the "inspector sample number" block for the blank line the term "AVG".
4. REINSTATEMENT SAMPLES: Samples collected by inspectors for permit reinstatement purposes. **DO NOT MIX OFFICIAL SAMPLES AND REINSTATEMENT SAMPLES ON THE SAME ANALYSIS OF RAW MILK REPORT.** When submitting reinstatement samples mark plainly below the sample information on the 16-E form the words "**REINSTATEMENT**".

SAMPLE".

5. SERVICE SAMPLES: Samples collected by inspectors to assist producers in resolving high bacteria counts, high somatic cell counts, positive cryoscope results, etc. **DO NOT MIX OFFICIAL SAMPLES AND SERVICE SAMPLES ON THE SAME ANALYSIS OF RAW MILK REPORT.** When submitting service samples mark plainly below the sample information on the 16-E form the words "**SERVICE SAMPLE**".
6. UNOFFICIAL SAMPLES: Used by the Richmond office to void out individual milk samples and all of their results to keep them from counting as part of a permit holder's official record.

C. COMMINGLED RAW FARM PICKUP LOADS OF MILK WITH ACCOMPANYING PRODUCER SAMPLES ONLY. These instructions reference the attached numbered 16-E form and are to be completed by the dairy inspector. Inspection personnel submitting raw milk samples to VDACS laboratories for analysis should use only **BLACK MEDIUM BALLPOINT INK PENS** and complete the following numbered items:

1. Record the name of the milk hauler or sampling operator here;
2. Record only the **middle five digits** (ie: 53-**00999**-167) of the permit number of the licensed milk hauler. If the hauler is not licensed leave blank and record that they are not licensed in the "Remarks" area;
3. Record the identification numbers of the farm pickup tank here;
4. Record the **permit number** of the facility where the milk was sampled (ie: **51-4114** for Shenandoah's Pride, Mt. Crawford). **Do not** write in the name of the processing plant;
5. Record the date and time samples were collected;
6. Record the number of "Analysis of Raw Milk Reports" in order of use for the days' sampling (ie: 1 of 5; 2 of 5; 3 of 5; etc.);
7. Record the temperature of the operator check temp. sample;
8. Record the Laboratory the samples were submitted to. Use only the following laboratory codes for each laboratory (HARR, IVOR, LYNCH, RICH, WARR, WYTH; DCLS-A; DCLS-L; and DCLS-M);
9. Indicate which tests are to be performed on the samples;
10. Record the sampling inspectors' name;

11. Record the sampling inspectors' inspector code number(ie: 02, 20, 08, etc.);
12. Indicate the Cooperative responsible for this load of milk. Use the abbreviation codes according to the attached list(ie. CMPA; CV; DI-R; etc);
13. Use the remarks area to record other information as in the following: (I) Load delivered by Jack Russell;
14. Record the sampling inspectors' initials in this block(ie: JAB);
15. Record the **FULL FIVE DIGIT** Grade "A" permit number (ie: 00390) which matches the producer sample and leave blank if a farm pickup tank sample. Reference list ordered by patron number for each cooperative will be supplied;
16. Record the producers' name from the weigh ticket or record the identity of the truck sampled(ie: Farm Pickup SA-47). **Always record truck load samples first on the 16-E form and follow with the producer samples;**
17. Record the producer's patron number or tank identification number here. **NEVER RECORD ANY NUMBERS OTHER THAN PATRON NUMBERS OR TANK IDENTIFICATION NUMBERS IN THIS BLOCK!**
18. For a producer sample, record the compartment into which the producer's milk was pumped. Use "F" for front pot; "R" for rear pot; and "S" for split. For a load sample record the compartment from which the sample was taken. Use "F" for front pot; "R" for rear pot; or leave blank if a single pot trailer;
19. Record the sample collect date and time from the weigh ticket;
20. Record the temperature from the weigh ticket;
21. Record the pounds of milk from the weigh ticket;
22. Indicate the sampling inspectors number(**DO NOT INCLUDE YOUR INITIALS HERE.**

D. INSTRUCTIONS FOR SPECIAL SAMPLING SITUATIONS

1. FOLLOWUP SAMPLES: Samples collected in response to warning letters for bacteria and somatic cells. When submitting these required official followup samples mark plainly below the sample information on the 16-E form the words "**FOLLOWUP SAMPLE**".
2. OFFICIAL SAMPLES: Milk samples which will become part of producer or

plant quality records. These samples count toward meeting minimum sample numbers and quality standards for IMS.

3. PRODUCERS WITH TWO TANKS: Record Tank A or Tank B after the producer's name or record the tank ID number after the producer's name. Identify the milk samples with the next sample identification number in sequence. **Do Not** cross out the results area for the "B" sample. Leave a blank line between the "B" sample and the next sample on the 16-E and record in the "inspector sample number" block for the blank line the term "AVG".
 4. REINSTATEMENT SAMPLES: Samples collected by inspectors for permit reinstatement purposes. **DO NOT MIX OFFICIAL SAMPLES AND REINSTATEMENT SAMPLES ON THE SAME ANALYSIS OF RAW MILK REPORT**. When submitting reinstatement samples mark plainly below the sample information on the 16-E form the words "**REINSTATEMENT SAMPLE**".
 5. SERVICE SAMPLES: Samples collected by inspectors to assist producers in resolving high bacteria counts, high somatic cell counts, positive cryoscope results, etc. **DO NOT MIX OFFICIAL SAMPLES AND SERVICE SAMPLES ON THE SAME ANALYSIS OF RAW MILK REPORT**. When submitting service samples mark plainly below the sample information on the 16-E form the words "**SERVICE SAMPLE**".
 6. UNOFFICIAL SAMPLES: Used by the Richmond office to void out individual milk samples and all of their results to keep them from counting as part of a permit holder's official record.
4. D&F 19 Dairy Farm Inspection Report
- A. Furnish all of the information necessary to complete the report. Also, note on the inspection report the following information when applicable:
 1. Record the temperature of the milk in the bulk tank; and the reading of the bulk tank gauge. Write "empty" if there is no milk in the bulk tank.
 2. Whenever applicable write under "Remarks": "barn not cleaned at time of inspection", "equipment not washed at time of inspection", or whatever else is needed to indicate special conditions.
 - B. Copies
 1. Send a copy of the report to the Richmond office.
 2. Post the original report at the dairy farm.

5. D&F 41 Sanitary Observation Sheet

A. State the violation as an objectionable condition.

Such as: "milkhouse walls in need of painting".

1. Do not state the violation as an instruction for correcting the objectionable condition, such as: "paint the milkhouse walls", (the dairyman may choose to tile the walls, etc.)

B. Copies

1. Send a copy of the report to the Richmond office.
2. Post the original report at the dairy farm.
3. Retain a copy for personal use.

C. D&F 41 - Other uses of the Sanitary Observation Sheet

1. The sanitary observation sheet can be used to communicate observations and inspection findings to dairy plant personnel when making inspections of receiving rooms and when checking drug residue records in the laboratories of dairy plants. The sheets should be made out to the plant and plant manager with the conditions observed written in narrative form. The sheet should be signed by the inspector.

A. Copies

1. Send a copy of the report to the Richmond office.
 2. Give the original to the plant manager.
 3. Retain a copy for personal use.
2. As well, a sanitary observation sheet can be used when observing a milk hauler at a dairy farm or a plant. It does not take the place of the milk hauler evaluation sheet but is a good supplemental form to use when you observe some of a milk haulers handling practices on a dairy, inspect a farm bulk milk tanker on the farm or at a receiving room at a dairy plant. The sanitary observation sheet should be made to the milk hauler with observations written in narrative form in the body of the sheet and signed by the dairy inspector.

A. Copies

1. Send a copy of the report to the Richmond office.
2. Give the original to the milk hauler.
3. Retain a copy for personal use.
4. Provide a copy of the sheet to the contract hauler/employer of the milk hauler.

INTERVAL TIMING DEVICE

The procedures outlined under this Section are based on the requirements of the Bulk Tank Regulations.

1. Effective Dates: All tanks, new or used, in use on Grade A dairies will be fitted with an interval timing device.
2. Construction Requirements:
 - A. Interval timers shall be set and adjusted so that the milk will be agitated for not less than five minutes at least once every hour.
 - B. The installation and operation of interval timing devices shall be the responsibility of the milk producer.
3. General Procedures: Inspectors will note during inspections if interval timing devices are installed as required by these regulations. If review of recorder charts or physical inspection reveals the absence of an interval timing device on a milk tank or its faulty operation the violation will be noted on the inspection sheet. Established enforcement procedures will be followed to gain compliance on this item.

SEASONAL DAIRY FARM OPERATIONS

When grade A dairy farm permit holders voluntarily stop producing milk for a period of time(i.e. seasonal producers), but intend to restart their operations again in a few months, the inspector should suspend the producer's permit until they actually begin producing and selling milk. Inspectors should consult with the producers involved to explain that all they will need to do is notify their inspector when they are ready to begin shipping milk again. See suspension notice-consenting below.

When grade A dairy farm permit holders do not voluntarily stop producing milk for a period of time or do not consent to the suspension of their permit, the inspector must issue an official warning notice prior to suspending the permit. See example official warning notice below. See official suspension notice-non-consenting below.

The inspector will need to perform a farm inspection, insure the tank is empty at the time of reinstatement, and reinstate the permit on the bottom of the inspection sheet.

Example Official Warning Notice:

An official inspection made today of Your Grade A Dairy Farm
Shows that you are violating Regulations Governing Grade "A" Milk, Sections 2 VAC 5-490-30(B)(1), (2), and (4).
as follows Your grade A dairy farm is not producing or offering for sale raw milk on a daily basis.
Remarks: Your failure to produce and offer for sale grade A raw milk on a daily basis before (DATE) will result in suspension of your grade A permit.

Example Official Suspension Notice-Non-Consenting:

An official inspection made today of Your Grade A Dairy Farm
Shows that you are violating Regulations Governing Grade "A" Milk, Sections 2 VAC 5-490-30(B)(1), (2), and (4).
as follows Your grade A dairy farm is not producing or offering for sale raw milk on a daily basis.
Remarks: Your permit to sell grade "A" milk in Virginia is suspended. Submit application for reinstatement to inspector when you plan for milk production and sales to resume.

Example Official Suspension Notice-Consenting:

An official inspection made today of Your Grade A Dairy Farm
Shows that you are violating Regulations Governing Grade "A" Milk,
Sections 2 VAC 5-490-30(B)(1), (2), and (4).

as follows Your grade A dairy farm is voluntarily not producing or offering for
sale raw milk on a daily basis.

Remarks: Your signature on this form signifies your consent to suspended your
permit today. Your permit may be reinstated as soon as you begin to offer and
sell Grade A raw milk again. Please notify your inspector and submit
application for reinstatement when you plan to resume milk production and
sales.

Procedures to Inform Clients of Their Right to a Fact-Finding Conference:

EFFECTIVE DATE: January 19, 1994

Virginia Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-140 States:

Interpretation and enforcement.

- A. This chapter is based on the "Grade A Pasteurized Milk Ordinance—1989 recommendations." Except as otherwise provided in this regulation, the provisions of this regulation shall be interpreted in a manner consistent with interpretations accorded the "Grade A Pasteurized Milk Ordinance--1989 recommendations".
- B. The administrative procedures used to conduct case decisions under this regulation shall be consistent with the provisions of the Virginia Administrative Process Act.
- C. The State Regulatory Authority shall comply with the following administrative procedures when summarily suspending a grade A permit as specified in 2 VAC 5-490-30(C) of this chapter:
 - 1. The State Regulatory Authority shall serve upon the grade A permit holder a written notice of suspension. The written notice of suspension shall specify the violations in question and inform the grade A permit holder of the right to appear before the State Regulatory Authority in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, arguments, and proof to appeal this determination of violation;
 - 2. Upon receipt of written application from any person whose grade A permit has been summarily suspended (within 30 days after the effective date of the summary suspension) the State Regulatory Authority shall within seven days after the date of receipt by the State Regulatory Authority of a written application from any person whose grade A permit has been summarily suspended proceed to hold an informal fact-finding conference to ascertain the facts of the violations in question and upon evidence presented at the informal fact-finding conference shall affirm, modify, or rescind the summary suspension;
 - 3. The State Regulatory Authority shall, unless the parties consent, ascertain the fact basis for their decisions of cases through informal conference proceedings. Such conference proceedings include the rights of parties to the case: (i) to have reasonable notice thereof, (ii) to appear in person or by counsel or other qualified representative before the State Regulatory Authority for the informal presentation of factual data, argument, or proof in connection with any case, (iii) to have notice of any contrary fact basis or information in the possession of the agency which can be relied upon in making an adverse decision, (iv) to receive a prompt decision of any application for license, benefit, or renewal thereof, and (v) to be informed, briefly and generally in writing, of the factual or procedural basis for an

adverse decision in any case;

4. No person whose grade A permit has been summarily suspended may be granted an informal fact-finding conference by the State Regulatory Authority unless the State Regulatory Authority receives the person's written application within 30 days after the effective date of the summary suspension;
5. From any adverse decision of an informal fact-finding conference, the grade A permit holder may request a formal hearing under §9-6.14:12 of the Code of Virginia (1950), as amended, by writing the Director, Division of Dairy and Foods within 30 days stating the request and by providing the State Regulatory Authority with a statement of the issues in dispute. If the request for a formal conference is denied, the State Regulatory Authority shall notify the grade A permit holder in writing and further may affirm or modify the decision of the informal fact-finding conference; and
6. If a formal fact-finding conference is denied, the State Regulatory Authority shall notify the grade A permit holder of the right to file an appeal in the circuit court.

Essential to an understanding of the legal ramifications of this statement are the following points:

1. The PERMIT HOLDER must be served with a notice of suspension or a notice of intent to suspend the permit;
2. In the case of a SUSPENSION the permit holder must respond in writing within 30 days after the effective date of the suspension to request a fact-finding conference. The regulatory agency must offer to proceed to a conference within 7 days after the receipt of the request for a fact-finding conference;
3. In the case of a NOTICE OF INTENT TO SUSPEND the permit holder must respond in writing within 30 days after the date of the notice to request a fact-finding conference;
4. In the case that any item is marked in violation on the INSPECTION SHEET or SANITARY OBSERVATION SHEET the permit holder must request in writing within 30 days after the date of the inspection or sanitary observation sheet to request a fact-finding conference; and
5. Failure for the regulatory agency to comply with these requirements is a violation of due process provisions under the regulations.

In order for Dairy Services to comply with these requirements the following procedures have been developed.

NOTICE TO PERMIT HOLDER:

Whenever an Official Notice is issued the PERMIT HOLDER must be notified. If the permit holder is available on the premises at the time the notice is issued, the permit holder's name should be recorded on the Official Notice form under "issued to" and the time of day recorded.

Whenever the permit holder is not available on the premises to receive the Official Notice and some other responsible person is, the inspector should record the name of that person and the time on the Official Notice under "issued to". A copy of the Official Notice and inspection report must be mailed to the permit holder via certified mail. The receipt for the certified mail will serve as our record of attempt to notify the permit holder and can be used to establish time frames in which the conference must be held.

IN NO CASE IS THE OFFICIAL NOTICE TO BE SIMPLY POSTED IN THE MILKROOM. This would not constitute notification of the permit holder.

1. The following statement must be attached to every Grade "A" dairy farm Inspection Sheet, Sanitary Observation Sheet, Official Notice Warning, Stop-Sale Notice, product degrades and product condemnations (but not suspensions):

"Pursuant to §9-6.14:11 of the Code of Virginia (1950), as amended, you have the right to appear before the agency in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, argument, and proof to appeal this determination of violation. Unless an Official Notice has been issued with respect to this violation, no action against your permit will be taken if the deficiencies noted are corrected. Should you wish to have a fact-finding conference convened, please notify Program Supervisor, Dairy Services, Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia, 23218, in writing within thirty days after the date of this inspection." (Copy of §9-6.14.11 of the Code of Virginia (1950), as amended is to be attached)

These statements may be copied and attached to the inspection sheet. Future inspection and sanitary observation sheets will have this information printed on the reverse side of the forms.

The fact that a producer did not request a fact-finding conference within thirty days is not reason to deny a fact-finding conference. The purpose of the thirty day time limit is to encourage prompt response.

2. To every Official Notice Suspension issued the following statement must be attached:

TO: Grade A Dairy Farm Permit Holders

SUBJECT: Notice of Suspension and Opportunity for a

Fact-Finding Conference

The Regulations Governing Grade "A" Milk (2 VAC 5-490-10), requires that whenever the Virginia Department of Agriculture and Consumer Services summarily suspends a grade A permit that you also be notified of your opportunity for a fact-finding conference.

Pursuant to §2 VAC 5-490-140(C) of Regulations Governing Grade "A" Milk, you have the right to appear before the agency in person, by counsel, or by other qualified representative at a fact-finding conference for the informal presentation of factual data, argument, and proof to appeal this Notice of Suspension.

Should you wish to have a fact-finding conference convened, please notify Mr. John A. Beers, Program Supervisor, Dairy Services at Virginia Department of Agriculture and Consumer Services, P. O. Box 1163, Richmond, Virginia, 23218 in writing within thirty days after the effective date of the summary suspension, or by facsimile transmission at (804) 371-7792. A copy of §2 VAC 5-490-140(C) is enclosed.

If you notify us within 30 days after the effective date of the summary suspension, this informal fact-finding conference will be held within seven business days after the date of receipt by the agency.

No person whose grade A permit has been summarily suspended may be granted an informal fact-finding conference by the agency unless the agency receives the person's written application within 30 days after the effective date of the summary suspension.

If you fail to request a conference, this Agency will assume that you agree with all allegations made in the Notice.

UPON RECEIPT OF AN APPLICATION FOR CONFERENCE:

1. The Program Supervisor, Dairy Services will notify the appropriate supervisor.
2. When requested, supervisors will arrange for a meeting place in the county in which the dairy farm is located. A quiet, private office with a table and three chairs should be adequate. Potential sites to hold conferences are extension offices, county administrative offices, health department offices, etc. All conferences must be recorded on tape so that transcripts may be produced.
3. When requested supervisors will make all arrangements to hold a conference and contact the client to notify them of the location and time.
4. The program supervisor or designee will ordinarily preside at the fact-finding conference. Supervisors will be responsible for recording the proceedings on tape.

and transcribing the words if necessary.

5. The program supervisor or designee will respond to the client in writing after the fact-finding conference to notify them of the decision reached and to inform them briefly and generally of the factual or procedural basis for that decision.

If, after a fact-finding conference, a client wishes to contest the findings; they have the right to request an adjudicative conference. This adjudicative conference will normally be held by the Program Manager. In the event such a conference is requested, there are no specific time frames in which the conference must be held. Official Notices which initiated a request for a fact-finding conference may be enforced after the date of the initial fact-finding conference. Any second conference should be convened as promptly as possible or within 30 days of the request. All requests for a second fact-finding conferences must be made in writing.

The Program Manager or Commissioner's designee is responsible for obtaining a site to hold the adjudicative conference, notification of the client, conduct of the fact-finding conference, preparation of the written summary, findings of fact and the final Agency decision.

To any final Agency decision, the following statement must be included:

"As provided by Rule 2A:2 of the Supreme Court of Virginia, you have thirty (30) days from the date of service (the date you actually received this decision or the date it was mailed to you, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with (name of the agency secretary or other appropriate person). In the event that this decision is served on you by mail, three (3) days are added to that period."

WARNING AND SUSPENSION LETTERS ISSUED BY THE RICHMOND OFFICE:

All warning letters issued by the Richmond Office for violations of the quality standards will include the identical notice of right to a fact-finding conference as is required for Official Notices Warning.

All suspension letters issued by the Richmond Office for violation of the quality standards will include the identical notice of right to a fact-finding conference as is required for Official Notices Suspension.

All applications for a fact-finding conference must be made to the Program Supervisor. The Program Supervisor or his/her designee will preside at all first fact-finding conferences and the Program Manager or Commissioner's designee will preside at all adjudicative conference proceedings.

SUSPENSION AND REINSTATEMENT OF PERMITS

I. VIOLATIONS MARKED ON FARM INSPECTION SHEET

Inspectors should comply with the following guidelines to enforce the sanitation and inspection requirements contained in the Grade "A" Regulations:

1. If any violation is marked on an inspection sheet for the first time the inspector must determine the most appropriate enforcement action from the following options:
 - A. Check for compliance during the next scheduled inspection;
 - B. Issue an official notice if in the judgement of the inspector the violation is significant; or
 - C. Issue an official notice suspending the grade A permit if a human health hazard exist.
2. If any identical violation is marked on two successive inspections the inspector must issue an official notice to enforce the regulation except when the second inspection is required by warning letter, drug residue follow-up, or other official action.

"Identical violation" means the same item as documented on the first inspection is also documented on the second inspection.

EXAMPLE: The most recent prior inspection marked item 6a because the outside of the milk tank was not clean. On the current inspection the inspector marks item 6a because the floor is not clean. No official notice is required. If the inspector had marked the outside of the milk tank both times an official notice would be necessary.

3. Whenever the inspector suspends a grade A permit:
 - A. they will notify the appropriate milk marketing cooperative and the milk hauler by telephone as soon as possible;
 - B. and there is milk in the bulk tank; the inspector will tag the tank with a notice to the milk hauler indicating that the milk is not "grade A milk" or "not for human consumption"; and
 - C. they will mail copies of the inspection sheet and official notice to the Richmond office the same day.
4. Whenever the inspector reinstates a grade A permit:

- A. for any violation except animal drug residues, the bulk tank will be empty; and
- B. the producer must request the reinstatement by contacting the inspector. Inspectors should carry a supply of reinstatement request forms with them for the signature of the producer. Producers may contact the inspector by telephone and request reinstatement. In the event a producer will not be available in person to sign a reinstatement request, the request may be made by telephone and this fact noted on the reinstatement form by the inspector.

In order to avoid additional trips to the farm the inspector may:

- A. Collect the milk sample for reinstatement;
- B. Complete a farm inspection report making sure to check on any violations marked on the most recent inspection report. In the remarks section write "Your Grade "A: Permit Is Reinstated Pending Satisfactory (name of test) Test Results From Your Milk Sample Collected (DATE)." Be sure to put the date of the reinstatement on the inspection sheet;
- C. Insure the milk tank is empty prior to leaving the farm;
- D. If the milk sample test is satisfactory then the inspector can telephone the producer and the milk hauler. No return trip to the farm is necessary; and
- E. If the milk sample test is unsatisfactory then the inspector discards the farm inspection report. The inspector then contacts the producer and arranges to collect another sample. The process starts over again with step one.

This procedure will save time and expense when a sample is required for reinstatement and the bulk tank can be emptied while the inspector is present on the farm.

5. Inspection Frequency:

Inspectors will inspect each of their assigned grade A dairy farms at a frequency not to exceed 90 days.

II. BACTERIA SUSPENSION AND REINSTATEMENT:

The producer will receive a warning letter any time 2 out of the last four samples violate the bacteria standard. The inspector will make a farm inspection and collect a follow-up milk sample. The required farm inspection may be made any time after the date of the last positive sample, must be scheduled to allow three days to lapse prior to sample collection, and the sample must be collected on or before the date specified in the warning letter.

The producer will receive a suspension letter any time 3 out of the last five samples violate the bacteria standard. After the inspector receives a copy of the suspension letter the inspector will notify the producer's milk hauler and the main office of the dairy cooperative to discontinue pick-ups at the farm until the permit is reinstated. After the producer has contacted the inspector to request reinstatement the inspector must collect a sample for reinstatement purposes. This sample should be clearly marked in the remarks area with "COLLECTED FOR REINSTATEMENT". Inspectors should request an estimated bacteria count(Direct Microscopic Bacteria Count) when submitting samples to VDACS laboratories for reinstatement purposes in order to get results the same day.

In order to reinstate the producer's permit the inspector: (i) must perform a farm inspection; (ii) insure the bulk tank is empty at the time of inspection; and (iii) record in the remarks area of the inspection sheet the phrase "PERMIT TEMPORARILY REINSTATED TODAY", and "POUNDS OF MILK LOST ON FARM (RECORD POUNDS OF MILK LOST)" or use the procedure described in Section I - Violations Marked On Farm Inspection Sheet, Paragraph 4 (page 46) for reinstatement of permits. After reinstating the producer's permit the inspector will notify the producer's milk hauler and the main office of the dairy cooperative. All paperwork should be mailed to the Richmond office by the inspector the same day.

III. SOMATIC CELL SUSPENSION AND REINSTATEMENT:

The producer will receive a warning letter any time 2 out of the last four samples violate the somatic cell standard. The inspector will make a Milking Time Inspection, complete the Abnormal Milk Report and collect a follow-up milk sample. The required milking time inspection may be made any time after the date of the last positive sample, must be scheduled to allow three days to lapse prior to sample collection, and the sample must be collected on or before the date specified in the warning letter.

The producer will receive a suspension letter any time 3 out of the last five samples violate the somatic cell standard. After the inspector receives a copy of the suspension letter the inspector will notify the producer's milk hauler and the main office of the dairy cooperative to discontinue pick-ups at the farm until the permit is reinstated. After the producer has contacted the inspector to request reinstatement the inspector must collect a sample for reinstatement purposes. This sample should be clearly marked in the remarks area with "COLLECTED FOR REINSTATEMENT".

In order to reinstate the producer's permit the inspector: (i) must perform a farm inspection; (ii) insure the bulk tank is empty at the time of inspection; and (iii) record in the remarks area of the inspection sheet the phrase "PERMIT TEMPORARILY REINSTATED TODAY", and "POUNDS OF MILK LOST ON FARM (RECORD POUNDS OF MILK LOST)" or use the procedure described in Section I - Violations Marked On Farm Inspection Sheet, Paragraph 4 (page 46) for reinstatement of permits. After reinstating the producer's permit the inspector will notify the producer's milk hauler and the main office of the dairy cooperative. All paperwork should be mailed to the

Richmond office by the inspector the same day.

IV. CHEMICAL RESIDUES, AFLATOXIN RESIDUES, SULFA DRUG RESIDUES SUSPENSIONS AND REINSTATEMENTS:

The inspector will be notified by the Richmond office or their regional manager. When producers exceed the violative levels established for milk, the inspector will suspend the producer's permit by completion of an Official Notice Suspension. The inspector will notify the producer's milk hauler and the main office of the dairy cooperative. The inspector will conduct an investigation to determine the cause of the violation and will report findings to their regional manager or the Richmond office. The inspector will collect another sample for laboratory examination. If the sample results are satisfactory the inspector will reinstate the producer's permit. At the time of reinstatement, all milk on the farm may be shipped Grade "A" as long as it is within the time and temperature requirements.

In order to reinstate the producer's permit the inspector: (i) must perform a farm inspection; and (ii) record in the remarks area of the inspection sheet the phrase "PERMIT TEMPORARILY REINSTATED TODAY", and "POUNDS OF MILK LOST ON FARM (RECORD POUNDS OF MILK LOST)" or use the procedure described in Section I - Violations Marked On Farm Inspection Sheet, Paragraph 4 (page 46) for reinstatement of permits. After reinstating the producer's permit the inspector will notify the producer's milk hauler and the main office of the dairy cooperative. All paperwork should be mailed to the Richmond office by the inspector the same day.

V. CRYOSCOPE SUSPENSION AND REINSTATEMENT:

Whenever a positive cryoscope result is obtained on an official milk sample, appropriate persons at each regional laboratory will notify the Richmond dairy office by telephone. If it is the producer's first positive sample, he will be sent a warning letter that will remain in effect for two years.

If the positive cryoscope test is the producer's second violation within the last two years, the farm inspector will be notified by telephone by the program supervisor or his representative. As soon as practical after receiving this notification, the inspector will make an "observed" milking time inspection and collect an official milk sample at the farm. The purpose of this "observed" milking time inspection and sample collection is to determine the freezing point of the milk from that herd of cows when it is known that no water has been accidentally or purposefully added to the milk.

The following guidelines should be followed when making the "observed" milking time inspection:

1. The inspector should contact the producer to make arrangements to conduct the "observed" milking time inspection as soon as practical after being notified of the positive cryoscope test result. The inspection should be timed to begin when the

bulk tank is empty due to normal milk pick-up practices.

2. If the dairymen is present, the inspector may inform him of the positive test result but should be sure not to accuse or imply to the dairyman that he is adding water to his milk.
3. The inspector should arrive at the farm prior to the beginning of milking to be sure that the bulk tank, pipeline, receiver jar, units, milk hoses, and all other parts of the milking system are well drained of water before milking begins.
4. The entire milking process should be observed from start to finish and the inspector should make sure that no practices are followed that could introduce water into the milk.
5. It is a good idea to position yourself so that the milking parlor and the milkroom may both be observed at all times. If the layout is such that this is not possible and you suspect the intentional addition of water, notify your regional manager so that arrangements may be made to have another inspector assist you.
6. Do not overlook tube or plate coolers as possible contributors to the problem.
7. Check the milk in the tank to make sure is being properly cooled and is not freezing.
8. As soon as the milking is completed, and the inspector is confident that the milk is free of added water an official milk sample should be taken and delivered to a VDACS laboratory for cryoscope testing.
9. The inspector will document their investigation, observations, recommendations, and findings in a report to the producer. A copy of this report should be mailed to their regional manager and the Dairy Services Program Supervisor.

IF THE RESULT OF THE CRYOSCOPE TEST IS POSITIVE:

If the result of the cryoscope test on this sample of milk is positive (above -0.530 degrees Hortvet), we will conclude that the abnormal freezing point of milk from that herd is due to factors other than the addition of water. The freezing point of this sample will become the **temporary** standard for that farm. A tolerance of $.002$ degrees Hortvet will be allowed. After the problems causing the abnormal freezing point have been corrected and the cryoscope reading returns to normal, the standard for the herd will return to -0.530 degrees Hortvet. This determination will be made by the program supervisor. The program supervisor will notify the producer and their inspector of the new standard for the herd. The producer will also be informed of factors that could be causing the abnormal cryoscope test result. Factors such as freezing, inadequate nutrition, season of the year, and others may influence their freezing point of milk. The letter to the producer will also advise him to obtain assistance from his veterinarian, nutritionist, fieldman, or dairy extension agent to correct the problem. The inspector

should post the new standard for the herd in his/her farm record book until notified by the program supervisor to change it back to -.530 degrees Hortvet.

IF THE RESULT OF THE CRYSCOPE TEST IS NEGATIVE:

If the result of the cryscope test taken at the end of the “observed” inspection is negative, the producer’s permit will be suspended. This test result indicates that the milk from that herd, when free of added water, freezes at or below -.530 degrees Hortvet. (The permit will be suspended because of the previous positive cryscope violation that caused the inspector to make the “observed” inspection.) The program supervisor or his representative will call the inspector and notify him/her that the suspension letter has been mailed. After the inspector has received the suspension letter, he/she should notify the producer’s milk hauler and the main office of the dairy cooperative to discontinue pick-ups until the permit is reinstated.

After the producer has contacted the inspector to request reinstatement, the inspector must collect a sample of milk for reinstatement purposes. This sample should be clearly marked in the remarks area with “COLLECTED FOR REINSTATEMENT”.

In order to reinstate the producer’s permit the inspector: (i) must perform a farm inspection; (ii) insure the bulk tank is empty at time of inspection; and (iii) record in the remarks area of the inspection sheet the phrase “PERMIT TEMPORARILY REINSTATED TODAY”, and POUNDS OF MILK LOST ON FARM (RECORD POUNDS OF MILK LOST)” or use the procedure described in Section I - Violations Marked On Farm Inspection Sheet, Paragraph 4 (page 46) for reinstatement of permits. After reinstating the producer’s permit the inspector will notify the producer’s milk hauler and the main office of the cooperative. All paperwork should be mailed to the Richmond office the same day.

VI. INHIBITORY SUBSTANCES SUSPENSION AND REINSTATEMENT:

ORIGINAL EFFECTIVE DATE: JANUARY 19, 1994; Revised and Effective: January 2, 1996 and **January 2, 1997**

I. PURPOSE:

To detect and remove animal drug contaminated milk from the food supply.

II. PROGRAM DESCRIPTION:

Grade A milk plants, receiving stations, and transfer stations must screen every load of bulk tank raw milk received prior to processing for beta lactam drugs. Grade A milk plants, receiving stations, and transfer stations will keep records of all screening-tests and report summary information to VDACS each month for inclusion in the national milk drug residue database system. Positive screening tests will be reported to VDACS immediately and all individual producer milk samples represented on the positive load

will be screened and the results reported to VDACS as soon as available. A VDACS dairy inspector will collect any positive tank load sample and all producer samples represented on the load for official confirmatory testing. VDACS dairy inspectors will split these samples, at the plant, receiving station, or transfer station for use by industry cooperatives, if requested. VDACS will determine if tank loads screened positive can be marketed based on official confirmatory tests results from certified laboratories. The cooperative can dispose of tank loads screened positive before official confirmatory test results are known. VDACS will determine the responsible producer(s) based on official confirmatory tests results. Producers whose milk tests positive for drug residues will be subject to permit suspension, a minimum penalty of two days milk production, a negative follow-up test and be required to complete the "Milk and Dairy Beef Quality Assurance Program" within 30 days.

III. VDACS, OFFICE OF DAIRY SERVICES PROCEDURES:

A. National Milk Drug Residue Database Reporting:

The Office of Dairy Services will receive, compile, and report to the National Milk Drug Residue Database System all drug residue testing information on a statewide basis each month.

B. Positive Drug Residue Report Procedures:

1. The program supervisor and the regional managers will serve in a rotation as the primary contact person for the receipt of positive animal drug screening test reports.
2. Upon receipt of a positive animal drug residue screening-test report the program supervisor or regional manager will:
 - A. contact the appropriate inspector to collect the tank load and producer samples at the milk plant, receiving station, or transfer station for delivery to a VDACS laboratory or other designated site for confirmatory testing;
 - B. contact the appropriate inspector to initiate producer farm follow-up procedures; and
 - C. inform the cooperative and dairy inspector of the results of confirmatory tests on the tank load and producer samples.
3. Dairy inspectors responsible for collecting tank load and producer samples at milk plants, receiving stations, and transfer stations will:
 - a. collect and split samples at the milk plant, receiving station, or transfer station if requested, and deliver samples to the designated VDACS laboratory or other designated location without undue delay and in a

manner which will insure confirmatory tests results within 24 hours or within the time frame agreed to with the program supervisor or one of the regional managers. Dairy inspectors will identify split samples exactly the same as the milk hauler and include the inspector's initials, the date, and time on the container;

- b. comply with all requirements for the submission of official samples to VDACS laboratories(ie: 16E forms, temperature check samples, etc.);
 - c. leave the samples and paperwork in the VDACS laboratory or other agreed upon location; and
 - d. keep the appropriate regional manager or program supervisor informed concerning delivery arrangements and when sample results will be available.
 - e. inform the laboratory personnel performing animal drug-residue testing which Dairy Services manager to call with the milk sample tests results.
4. Inspectors responsible for following-up on producers who screen positive will:
- a. immediately contact the producer by phone to notify him of the situation and make arrangements for follow-up testing;
 - b. take no action against the producer until confirmatory tests results are known;
 - c. if confirmatory tests results are positive; suspend the producers permit, collect a sample of the producers milk for retesting, and deliver samples to the designated VDACS laboratory or other designated location without undue delay and in a manner which will insure confirmatory tests results within 24 hours or within the time frame agreed to with the program supervisor or one of the regional managers;
 - d. if the tank load and producer samples confirm negative; no action by the inspector is needed;
 - e. if the tank load sample confirms negative and the producer sample confirms positive; the grade A producer's permit will be suspended. The producer's permit may be temporarily reinstated as soon as the penalty provisions have been satisfied and the follow-up sample taken at the farm is negative. The producer must complete the "Milk and Dairy Beef Quality Assurance Program" within 30 days of the date of suspension. If the producer's permit can be suspended and reinstated on the same day, the milk which tested negative on the farm may be marketed as grade A;

- f. If the tank load and producer samples are negative, but a follow-up producer sample is positive; the producer's permit will be suspended and the milk will be condemned for human consumption and sale. The permit will be reinstated only after the producers milk tests negative and the penalty provisions have been satisfied. The producer is required to complete the "Milk and Dairy Beef Quality Assurance Program" within 30 days of the violation;
- g. keep the appropriate regional manager or program supervisor informed of the situation and report promptly all paperwork directly to the Richmond office;
- h. contact the milk hauler and main office of the milk marketing cooperative each time a grade "A" permit is suspended and again as soon as the producer can resume shipment; and
- i. follow-up with the producer **within 30 days** to determine if the "Milk and Dairy Beef Quality Assurance Program" has been completed within 30 days of the suspension date and report this information to the Richmond office by means of form provided for this purpose. In the event the producer has failed to complete the "Milk and Dairy Beef Quality Assurance Program" the permit will be suspended by the inspector;

5. Dairy Services On-Call and Beeper Policy

In order to ensure that the public is protected from milk that may be contaminated with animal drug-residues, and to ensure that industry and producer losses are kept to a minimum, the Office of Dairy Services will maintain the following on-call policy.

Each inspector is responsible for handling the on-call duties for their assigned territory during the normal work week. The state will be divided into four sections with either three or four inspectors assigned to each section. The boundary of each section is formed by the combined territories of the assigned inspectors to the section. The program manager will assign one inspector in each section to be on-call for each weekend and holiday. This duty will be rotated among the inspectors assigned to each section. Recognizing that it may not be convenient for specific periods of time, for an inspector to be on-call during the normal on-call weekday period, the inspector may contact their supervisor in advance to request approval to be excused from on-call duties for specific and justifiable reasons. In addition, if two inspectors mutually agree to change weekend or holiday duty, they may do so by notifying the program supervisor in advance of the change.

Duties of an inspector on-call:

Each inspector on-call is expected to wear his/her pager for the entire on-call period and is expected to respond to pages from the program or regional managers in conformance with the “**Pager Codes**” (see page 56). Each inspector on-call is expected to be able to respond by telephone within one hour and to begin travel to the plant or farm within two hours after a page followed by the code 01. Each on-call inspector is responsible for the collection of samples from all plants in his/her assigned section and the transportation of these samples to the appropriate laboratory; as well as, handling the investigation, sample collection, and necessary follow-up activities on the farm involved, if the farm is in his/her section. If the farm requiring follow up is not located within the same section as the on-call inspector who collected and transported the samples from the plant to the laboratory, the program supervisor or regional manager will notify the inspector on-call in the section where the farm requiring follow up is located to complete the necessary duties. While on-call, each inspector may go about normal activities that will not prevent him/her from responding within one hour to an emergency situation.

Compensation:

Inspectors assigned to on-call duties for a weekend will be compensated by receiving compensatory time at the rate of 2 hours for each full on-call weekend day. Inspectors assigned to on-call duties for a holiday will be compensated by receiving compensatory time at the rate of 4 hours for each full on-call day. The inspector should submit the claim for the compensatory time to his supervisor after the on-call duties have been completed. If an on-call inspector is actually called in to work, he/she will not receive the hour credit for being on-call, but will instead receive credit hour for hour for the time actually worked, or the on-call credit, whichever is greater.

Inspectors who are not on-call for a given weekend or holiday:

Inspectors who are not on-call for a given weekend or holiday are not required to carry their pager.

Inspectors who are on leave:

Inspectors are not required to carry a pager when they are on leave. Emergency duties will be handled by the regional manager or assigned to another inspector as appropriate.

Courtesy call:

If one of the farms in a farm inspectors territory has a positive drug residue test and that inspector is on leave or not on-call for the weekend or holiday, the inspector on-call will attempt to reach that inspector by phone. If he/she can be reached, the farm inspector may wish to handle the farm duties himself/herself.

However, if the farm inspector who is not on-call cannot be reached or if he/she does not wish to handle the duties, it is emphasized that the on-call inspector has the responsibility for completing the necessary duties.

Section Assignments:

Section 1: Dansey, Wolfinger, Wyatt
Section 2: Eye, Jones, Moyers, Pennington
Section 3: Dorton, Hodges, Owen
Section 4: Frazier, Osborne, Stump

Handling Incidents Of Animal Drug-Residues After Normal Work Hours Monday Through Thursday:

Every inspector is on-call in his/her territory after normal work hours Monday through Thursday. While on-call, the inspector may go about normal activities that will not prevent him/her from responding to pages as described under “**Pager Codes**” below. No inspector will receive compensatory time for being on-call after normal work hours Monday through Thursday. Inspectors will receive compensatory credit hour for hour for any time actually worked after normal working hours.

On-Call Period:

The normal on-call week day period runs from 7:00 a.m. on Monday until 5:00 p.m. on Friday.

The normal on-call weekend period runs from 5:00 p.m. on Friday until 7:00 a.m. on Monday.

The normal holiday on-call period will begin at 5:00 p.m. the day before and end at 7:00 a.m. on the day following the holiday.

Pager Codes:

During normal and on-call work hours personnel are expected to respond to pager activations followed by the **code (01)** as soon as possible or in any event within one hour.

During normal and on-call work hours personnel are expected to respond to pager activations followed by the **code (02)** at their convenience on the same day, but not later than 5 P.M. the next day.

IV. VDACS, BUREAU OF LABORATORY SERVICES PROCEDURES:

A. Sample Testing:

1. Designated certified laboratory personnel will:
 - a. Receive samples at the regional laboratory from the Dairy inspector;
 - b. Evaluate and record sample condition;
 - c. Process samples for beta-lactam and other inhibitors as requested;
 - d. Confirmatory results from tank truck and associated producer samples should be reported by phone to the appropriate Dairy Services manager handling the incident.
 - e. Results from follow-up producer samples should be reported by phone to the submitting Dairy Inspector; and
 - f. Process reports in the normal manner.

V. INDUSTRY LABORATORY RESPONSIBILITIES:

A. Milk Drug Residue Testing:

1. Each milk plant, receiving station, and transfer station is required to screen each farm pick-up load of commingled raw milk received for beta lactam drugs prior to processing. Milk which is commingled with other milk prior to testing and which later tests positive will result in all milk being considered adulterated.
2. Industry may use any screening-test methods accepted by FDA in M-a-85 or its revisions.
3. Each industry laboratory is expected to: (i) record the results of all tests and maintain these records for a minimum of 6 months; (ii) report records of all results of tests on samples of raw milk to the Office of Dairy Services by the fifteenth day of each month for the preceding month; and (iii) make available to the State Regulatory Authority for inspection and review at the permitted facility records of results of tests on samples of raw milk. Records required to be maintained include:
 - a. The date, time, and place where the test was performed;
 - b. The registration identification of each pickup tanker of bulk raw milk or raw milk sampled;
 - c. The test method;

- d. A statement as to whether the test results were positive or negative. If the results were positive, the following shall also be recorded:
 1. The identity of each producer contributing to the load from which the positive sample of raw milk was taken;
 2. The name of the person notified at the Office of Dairy Services of the positive tests results;
 3. The date and time of day the person at the Office of Dairy Services was notified of the positive test results; and
 4. The method of notification of the Office of Dairy Services.
4. Each industry laboratory will immediately notify the Office of Dairy Services of any shipment of bulk tank raw milk when the raw milk is found to be positive for drug residues.
5. When any bulk tank shipment of raw milk tests positive for drug residues each industry laboratory will:
 - a. Test each producer sample of raw milk to determine the farm of origin represented on the load of raw milk;
 - b. Collect and record for the Office of Dairy Services the information on the tank load manifest and producer weigh tickets;
 - c. Collect and hold for the Office of Dairy Services the tank load sample, each producer sample, and the temperature sample; and
 - d. Immediately report to the Office of Dairy Services the tests results of the producer samples;

B. National Milk Drug Residue Database Reporting:

1. Each industry laboratory is responsible for reporting summary information concerning drug residue testing to the Office of Dairy Services by the fifteenth day of each month for the preceding month. This information is to be reported on the forms provided for this purpose.

DRUG RESIDUE PROCEDURE CHECK LIST

Positive Confirmatory tests results known when inspector notified.

1. Inspector suspends producer's permit and collects a follow-up milk sample at farm. Inspector notifies milk hauler and coop to discontinue milk pickup at farm until further

notice.

2. If the follow-up milk sample is positive the inspector will inform the producer to dump the milk and arrange to collect another milk sample.
3. If the follow-up milk sample is negative and the producer has satisfied the appropriate penalty the inspector may temporarily reinstate the producer's permit for 30 days. Inspector will notify milk hauler and the main office of the coop to resume milk pickup.
4. The inspector will follow-up with the producer to determine if the "Milk and Dairy Beef Residue Prevention Protocol" has been completed and notify the Richmond Office by means of a form provided for this purpose. If the protocol has not been completed, the inspector will suspend the producer's permit.

Positive Screening tests results known when inspector notified.

1. Inspector waits for results of confirmatory test result before taking any action against the producer. If the producer is an every day shipper the inspector may need to collect a follow-up milk sample and deliver it to laboratory for testing.
2. Inspector waits for confirmatory tests results from the producer's sample screened positive by plant and the follow-up sample collected at the farm before taking any further action.
3. Confirmatory results received and action required:

- a. Negative producer sample and Negative follow-up sample:

Inspector notifies producer, coop, and milk hauler of results and clears milk for marketing if necessary;

- b. Negative producer sample and Positive follow-up sample:

Inspector suspends the producer's permit, requires milk to be dumped on farm and arranges to collect another follow-up sample. When a negative follow-up sample is obtained the producer's permit is temporarily reinstated for 30 days if the penalty provisions have been satisfied and the coop and milk hauler notified to resume pickup. The inspector will follow-up with the producer to determine if the "Milk and Dairy Beef Residue Prevention Protocol" has been completed and notify the Richmond Office by means of form provided for this purpose. If the protocol has not been completed, the inspector will suspend the producer's permit;

- c. Positive producer sample and negative follow-up sample:

Inspector suspends the producer's permit. If the producer has satisfied the appropriate penalty the inspector may temporarily reinstate the producer's permit for 30 days. Inspector will notify coop and milk hauler to resume milk pickup. The inspector will follow-up with the producer to determine if the "Milk and Dairy Beef Residue Prevention Protocol" has been completed and notify the Richmond Office by means of form provided for this purpose. If the protocol has not been completed, the inspector will suspend the producer's permit.

d. Positive producer sample and positive follow-up sample:

Inspector suspends the producer's permit and re-samples until a negative follow-up sample is obtained. If the producer has satisfied the appropriate penalty the inspector may temporarily reinstate the producer's permit for 30 days. Inspector will notify the main office of the coop and milk hauler to resume milk pickup. The inspector will follow-up with the producer to determine if the "Milk and Dairy Beef Residue Prevention Protocol" has been completed and notify the Richmond Office by means of the form provided for this purpose. If the protocol has not been completed, the inspector will suspend the producer's permit.

e. All drug residue testing of samples reported positive by industry and all follow-up producer samples must be tested by the LacTek or SNAP method as appropriate.

This Page Is for the chart of various standard violations.

ENFORCEMENT PROCEDURES AND EXAMPLE OFFICIAL NOTICES:

I. FARM INSPECTION VIOLATIONS:

Citing The Grade A Milk Regulations On Official Notices

The Virginia Administrative Process Act requires the Agency to serve upon the grade A permit holder a written notice prior to taking any action. The written notice must specify the violations in questions. In order for written notices to state the violations clearly, each notice should include the section(s) of the regulation violated. For uniformity, the name of the regulation is: Regulations Governing Grade "A" Milk

Items 1 through 21 of the grade A farm inspection sheet correspond to Section 2 VAC 5-490-50(B)(1)(c) through 2 VAC 5-490-50(B)(1)(w) of Regulations Governing Grade "A" Milk. To cite an inspection violation of the regulations marked on the inspection sheet the inspector needs to record the lettered section which corresponds to the item numbers marked on the inspection sheet after the phrase "**Section(s) 2 VAC 5-490-50(B)(1)**".

If you marked: items 2a, 2c, 6a, 14d, and 16i on the inspection sheet;

you would cite: **Sections 2 VAC 5-490-50(B)(1)(d), (h), (p), and (r) on the**

official notice. You may determine the appropriate letter(s) to use from the following chart:

Item #	Letter	Item #	Letter	Item #	Letter
1r	c	8r	j	15r	q
2r	d	9r	k	16r	r
3r	e	10r	l	17r	s
4r	f	11r	m	18r	t
5r	g	12r	n	19r	u
6r	h	13r	o	20r	v
7r	i	14r	p	21r	w

Example citations follow for several frequently issued official notices:

1. Cow Clipping Warning Notice:

An official inspection made today of Your Grade A Dairy Farm

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(p).

as follows See violation(s) indicated by items marked (X) on inspection sheet dated (date of this notice).

Remarks: Your failure to correct all violations marked (X) on inspection before (DATE) will/may result in suspension of your grade A permit.

2. Cow Clipping Suspension Notice:

An official inspection made today of Your Grade A Dairy Farm

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(p).

as follows See violation(s) indicated by items marked (X) on inspection sheet dated (date of this notice). See also inspection sheet and official notice dated (date of last inspection/notice).

Remarks: Your permit to sell grade "A" milk in Virginia is suspended. Submit application for reinstatement to inspector when corrections are made.

3. Unclean Milking Equipment Warning Notice:

An official inspection made today of Your Grade A Dairy Farm

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(l) and (m).

as follows See violation(s) indicated by items marked (X) on inspection sheet dated (date of this notice).

Remarks: Your failure to correct items 10 and 11 marked (X) on inspection before (DATE) will result in suspension of your grade A permit.

4. Unclean Milking Equipment Suspension Notice:

An official inspection made today of Your Grade A Dairy Farm

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(l) and (m)

as follows See violation(s) indicated by items marked (X) on inspection sheet dated (date of this notice). See also inspection sheet and official notice dated (date of last inspection/notice).

Remarks: Your permit to sell grade A milk in Virginia is suspended. Submit application for reinstatement to inspector when corrections are made.

5. Immediate Suspension Notice Without Warning Notice For Unclean Equipment:

An official inspection made today of Your Grade A Dairy Farm

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(l) and (m).

as follows See violation(s) indicated by items marked (X) on inspection sheet dated (date of this notice).

Remarks: Your permit to sell grade A milk in Virginia is suspended. Submit application for reinstatement to inspector when corrections are made.

6. Farm Bulk Cooling Violation (milk above 50°F any time 2 hours after the completion of the first milking):

An official examination made today of Milk in your bulk tank.

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(u).

as follows Milk temperature = (fill in thermometer reading). Raw milk which is warmer than a temperature of 50°F after the first milking or any subsequent milking is a public health hazard.

Remarks: Your permit to sell grade A milk in Virginia is suspended. Submit application for reinstatement to inspector when corrections are made.

7. Farm Bulk Cooling Violation (milk above 40°F but below 50°F two hours after the completion of any milking):

An official examination made today of Milk in your bulk tank.

Shows that you are violating Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-50(B)(1)(u).

as follows Milk temperature = (fill in thermometer reading). Milk in bulk tank is in violation of cooling requirements. Milk not cooled to 40°F within 2 hours after the completion of milking.

Remarks: Your failure to comply with cooling temperature requirements before (date) will result in suspension of your grade A permit.

8. Official Suspension Notice when milk in bulk tank does not properly agitate after the first milking:

An official inspection made today of Your Grade "A" Dairy Farm.

Shows that you are violating Regulations Governing Grade "A" Milk, Sections 2 VAC 5-490-50(B)(1)(u) and 2 VAC 5-490-30(B)(6).

as follows Milk in bulk tank does not cover the agitator paddle sufficiently to facilitate proper cooling and sampling after the completion of the first milking.

Remarks: Your Grade "A" permit is suspended. Submit application for reinstatement to inspector when corrections are made. No milk may be sold or offered for sale for human consumption nor can your permit be reinstated until the milk in the bulk tank covers the agitator paddle sufficiently to facilitate proper cooling and sampling after the completion of the first milking.

9. Official notice suspension for positive animal drug residue:

An official EXAMINATION made today of milk from your supply collected on (date and time)

Shows that you are violating Regulations Governing Grade "A" Milk, Sections 2 VAC 5-490-50(A)(3)(d) AND 2 VAC 5-490-30(B)(13).

as follows: Laboratory test indicate that the milk was adulterated with animal drug residues.

NOTICE: Your Grade A permit is suspended. Your Grade A permit may be temporarily reinstated after you have satisfied the penalty requirements and your milk test negative for animal drug residues. After your permit is temporarily reinstated your failure to complete the "Milk and Dairy Beer Residue Prevention Protocol" and have a signed quality assurance certificate within 30 days after the date of this suspension will result in your Grade A permit being suspended.

10. Inspection reinstatement after positive animal drug residue:

Record in the "**REMARKS**" area of the inspection sheet:

Permit temporarily reinstated today. Penalty provisions satisfied. Follow-up milk sample collected (Date) tested negative for animal drug residues. Pounds of milk lost on farm: See Official Notice Dated (Date of Official Notice Suspension).

11. Official Notice Suspension for failure to complete 10 pt. plan:

An official INSPECTION made today of Your Grade "A" dairy farm

Shows that you are violating Regulations Governing Grade "A" Milk, sections 2 VAC 5-490-30(B)(13) and (20)

as follows: You have failed to complete the "Milk and Dairy Beef Residue Prevention Protocol" within 30 days after your Grade "A" Dairy Permit was suspended on (Date) for violation of the drug standard. See Official Suspension Notice Dated (Date).

NOTICE: Your Grade "A" Permit is suspended. Your Grade A Permit may be reinstated after you have completed the "Milk and Dairy Beef Residue Prevention Protocol" and have a signed quality assurance certificate

12. Official Warning Notice When Milk in Bulk Tank is Between 52 and 76 Hours Old:

An official INSPECTION made today of Your Grade "A" Dairy Farm

Shows that you are violating Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk or Milk Samples From the Farm to the Processing Plant or Laboratory, 2 VAC 5-500-50(A)(5)

as follows: Milk in bulk tank in excess of 52 hours old.

NOTICE: Milk in bulk tank condemned for Grade "A" use (See red tag attached to tank outlet). Milk in bulk tank may be marketed for manufacturing purposes if it can be picked up before (date and time in the future when milk in the bulk tank will be 76 hours old). Your failure to withhold the milk in your bulk tank from the Grade "A" market or to withhold from marketing milk in your bulk tank after (date and time in the future when milk in the bulk tank will be 76 hours old) will result in the suspension of your Grade "A" Permit. Please contact (Name of inspector) by calling (Telephone number) when your bulk tank has been emptied.

13. Official Suspension Notice When Milk Is Marketed as Grade "A" From the Bulk Tank after an Official Warning Notice has been issued:

An official INSPECTION made today of: Your Grade "A" Dairy Farm

Shows that you are violating: Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk or Milk Samples From the Farm to the Processing Plant or Laboratory, 2 VAC 5-500-30(E)

as follows: Milk in Bulk Tank Marketed on (Date) in violation of Official Warning Notice Issued (Date).

NOTICE: Your Grade "A" Permit is Suspended. Your permit may be reinstated after (Select a date and time in the future equal to the period of time necessary to withhold from the Grade "A" market the same amount of milk marketed as Grade "A" milk in violation of the Official Warning Notice).

Note: The intent is to penalize the permit holder the value they gained by marketing the milk as Grade "A" milk rather than as manufactured grade milk.

14. Official Warning Notice When Milk in Bulk Tank is over 76 Hours Old:

An official INSPECTION made today of Your Grade "A" Dairy Farm

Shows that you are violating Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk or Milk Samples From the Farm to the Processing Plant or Laboratory, 2 VAC 5-500-50(A)(5)

as follows: Milk in bulk tank in excess of 76 hours old.

NOTICE: Milk in bulk tank condemned for human consumption (See red tag attached to tank outlet). Milk in bulk tank may not be marketed. Your failure to withhold the milk in your bulk tank from the market will result in the suspension of your Grade "A" Permit. Please contact (name of inspector) by calling (Telephone number) when your bulk tank has been emptied.

15. Official Suspension Notice When Milk Is Marketed for Human Consumption From a Bulk Tank after an Official Warning Notice has been issued:

An official INSPECTION made today of Your Grade "A" Dairy Farm

Shows that you are violating Regulations Governing the Cooling, Storing, Sampling and Transporting of Milk or Milk Samples From the Farm to the Processing Plant or Laboratory, 2 VAC 5-500-30(E)

as follows: Milk in Bulk Tank Marketed for Human Consumption on (DATE) in Violation of Official Warning Notice Issued (Date).

NOTICE: Your Grade "A" Permit is Suspended. Your permit may be reinstated after (Select a date and time in the future equal to the period of time necessary to withhold from the grade "A" market three times the same amount of milk marketed in violation of the Official Warning Notice).

Note: The reason the suspension time is set at three times the amount of milk marketed in violation of the Official Warning Notice is the fact that during the time of suspension from the Grade "A" market, the producer will be able to market their milk for manufacturing purposes. Because of the difference between the price of manufactured grade milk as opposed to Grade "A" milk, it will take longer to equal the value of the milk sold in violation of the notice. This method also provides a consistent penalty to be applied to all permit holders who ignore an Official Warning Notice to stop the sale of their milk.

MILK HAULER RECORDING THERMOMETER CHART PROCEDURES

The procedures outlined under this section are based on the requirements of The Bulk Tank Regulations.

1. Regulatory Requirements: The milk hauler, in making a pickup, shall:
 - A. Properly agitate the milk and remove the chart from the recorder, mark the date and the time of pickup, and sign the chart.
 - B. Write the date and the producer number on a new chart and install it on the recording device.
 - C. File the used chart under protected conditions provided for by the milk producer.
 - D. Identify each lot of milk with the date, time of pickup, and signature when the chart is used for more than one pickup.
 - E. Immediately notify his superior and the milk producer if the recorder chart reveals any temperature variation which would preclude acceptance of the milk from the farm bulk milk cooling or holding tank and record this notification on the chart.
 - F. Note on the recorder chart if the lot of milk is rejected.
 - G. Sign the chart noting the date, time of receipt, and measuring rod reading if the rejected milk is subsequently picked up.
2. General Procedures:
 - A. Inspectors will review recorder charts stored on farms to establish compliance with these requirements during inspections.
 - B. When violations of these requirements are noted, (ie: date, time, signature, rejection statement not recorded or failure to change charts); the inspector will fill out a sanitary observation sheet describing the violation(s) and send copies to the milk hauler, Richmond office and the buyer of the milk (cooperative).

TANK SAMPLING

The procedures outlined under this section are based on Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-30(G).

1. Transport Commingled Milk - This is raw milk that is stored and/or shipped from a receiving station, transfer station or dairy processing plant to another plant for processing.
 - A. Sampling Points - Samples will be taken from any or all of the following points:
 1. Receiving Station storage tanks
 2. Loaded transport tanks at the receiving or transfer station.
 3. Loaded transport tanks on arrival at destination (including tanks from out of state).
 - B. Number of Samples - Take one sample from each storage tank or from each transport milk tank. In case of a two compartment transport milk tank, take a sample from each compartment. Do not take a sample from a storage tank and then another sample from a transport milk tank which may be loaded partially or completely from that storage tank due to the fact that should the count be high, it will penalize the shipper twice for the same milk.
 - C. Method of Sampling - Samples must be taken in an aseptic manner from a properly mixed source. Extreme caution must be taken if samples are collected where no covered loading or unloading area has been provided. Avoid opening tanks under rainy or extremely dusty conditions unless tanks are under cover. Sample containers and sampling equipment must be the same as normally used for other samples. Hand operated agitation devices are not considered satisfactory for tanks of the size used for transporting pool milk.
 - D. Amount of Sample - Take sufficient amount for bacteria, antibiotics and cryoscope test.
 - E. Frequency of Sampling - When possible, collect samples of "Transport Commingled Milk" at least 4 times in separate months in any given 6 month period from each shipper. Arrangements should be made with laboratories in advance if samples are collected on other than regular sample schedule days.
 - F. Transcripts - The name and address of the shipper shall be recorded accurately and in legible manner in the appropriate space on the transcript.

On the line entitled "Collected From" write "Transport Milk Tank No. ____ at (plant and location)"- or "Storage Tank No. ____ at (plant and location)". Send copies to shipper, receiver, office, and collecting inspector.

- G. Recording - All transcripts designated "Transport Milk Tank" or "Storage Tank" will have results recorded on the "Dairy Products Record Card" of the shipper. This card will be specifically designated "Transport Commingled Milk". In the event more than one sample is collected from the same shipper's milk on the same day, one average on all counts taken on that day will be entered on the record for that day.
2. Farm Pickup Commingled Milk - This is raw milk picked up at the dairy farm by a farm bulk milk pickup tank and delivered to the processing plant, receiving or transfer station. These samples will be collected for information purposes and will also serve as a cross check on samples collected on the quality of the commingled milk shipped from farm to plant. High bacteria counts will be traced to determine the source. Theoretically, the cause could either be traced to a producer or producers or to some unsanitary conditions involving milk transportation.
- A. Sampling Points - Samples will be taken from farm bulk milk pickup tanks on arrival at the processing plant, receiving, or transfer station.
- B. Number of Samples - Take one sample from each farm bulk milk pickup tank. In the case of a multiple compartment tank, take one sample from each compartment, identifying the sample with the compartment on the transcript.
- C. Methods of Sampling - Same as "1.C".
- D. Amount of Sample - Same as "1.D".
- E. When possible, samples shall be collected from farm bulk milk pickup tanks each time producer samples are collected.
- F. Transcripts - The name and address on the transcript shall be that of the association handling the milk (if the association is actually engaged in handling milk for its producers) or in the case of an independent supply for a specific plant, the name and address shall be that of the plant. On the line entitled "Collected From" write "Farm Bulk Milk Pickup Tank No.____ at (plant and location)". Send copies to the association if applicable, the receiving plant, the office and the collecting inspector.

TRANSPORT TANK LABELING, SEALING AND SHIPPING STATEMENT

The procedures under this section are based on the Bulk Tank Regulations.

Each transport milk tank while it is in interstate or intrastate transit shall have all openings sealed and shall be accompanied by a shipping statement bearing all information prescribed by the Regulations.

RECEIVING STATION AND TRANSFER STATION REQUIREMENTS

The procedures outlined under this section are based on the requirements of Bulk Tank Regulations, Sections 2 VAC 5-500-20 and 80, and Regulations Governing Grade "A" Milk, Sections 2 VAC 5-490-50(C)(y), (z) and (a1).

1. The following are applicable requirements for Receiving Stations and Transfer Stations.

A. Construction:

1. The ceiling shall be of such height as to permit easy access to all tanks for manual or automatic cleaning.
2. The milk transfer room in a transfer station shall be large enough to accommodate at least two tanks and shall be long enough to enclose the longest tank and vehicle combination.
3. Transfer stations shall comply with the applicable provisions of items 2p and 3p.

Note: Items 5p, 13p, and 17p as listed in the Rules and Regulations are not applicable to transfer stations.

B. The following items are to be Recommended:

1. Floor drains be no less than six inches in diameter and that a sand trap or clean out basin be provided in the drain line immediately outside the building.
2. Mechanical means of ventilation be installed in receiving stations.

C. Operations:

1. Truck entrance or exit door(s) may remain open on one side of the building provided that there are proper filter(s) on the manhole lid(s) of the farm bulk milk pickup tank(s) or transport milk tank(s) being unloaded and that all openings, including valves and piping attached to milk storage and transport tanks, pumps, etc., are capped or otherwise properly protected.
2. During the loading or the unloading of farm bulk milk pickup tanks or transport milk tanks, overhead protection shall be provided for the manholes of these tanks.
3. Plants with Clean-Out-Of-Place tank operations may not be required to have two compartment wash-and-rinse vats.

4. Frequency of Inspection:

All receiving rooms for Grade "A: milk plants, receiving stations, and transfer stations must be inspected monthly. (See inspection sheet on next page)

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WEIGHER AND SAMPLER EVALUATION PROGRAM
TANK TRUCK INSPECTIONS
March 12, 2001

New requirements have been added by the Food and Drug Administration's Milk Safety Branch. It is now required that anyone weighing and sampling milk must be evaluated a minimum of once every two years. As well, milk tank trucks must be inspected once a year. Dairy Inspectors with assigned sampling locations are responsible for these evaluations and tank truck inspections.

These are all debitable items on check ratings performed by FDA Regional Milk Specialists and ratings done by the Virginia Department of Health for both the milk supply and enforcement rating for Dairy Services.

A. MILK HAULER EVALUATIONS

Milk Hauler (termed licensed weigher and sampler) evaluations should be performed on each licensed weigher and sampler a minimum of once every two years. **When a hauler is issued a new permit, he should be evaluated within thirty days.**

1. Every effort should be made to evaluate those who drive regularly. When a hauler is issued a new permit, the inspector who gives the test to the hauler should find out which dairy inspector's territory the hauler will be operating in and report this to the regional manager so that the hauler may be assigned to the appropriate inspector for future evaluations.
2. Those who pick up milk so infrequently that evaluation can not be reasonably done, should be indicated on a list and given to the inspector's Regional Manager to help complete the records that will be kept on the Evaluation Program.
3. Licensed weigher and sampler evaluations should be reported by the inspectors on the monthly report form.

B. DAIRY PLANT SAMPLERS

Dairy plant samplers (all individuals who collect milk samples from farm bulk milk pickup tank, transport tanks, and/or raw and pasteurized milk silos) at milk plants, receiving stations and transfer stations **must** be evaluated for their milk handling/sampling practices a minimum of once every two years. Dairy plant samplers need to be evaluated by completing **Form FDA 2399 DAIRY PLANT SAMPLING - RAW AND PASTEURIZED MILK.**

Dairy Plant Samplers include state and local sanitarians who routinely collect milk samples at the plants. State and local sanitarians will be evaluated by Virginia Department of Health officials.

C. MILK TANK TRUCK INSPECTIONS

Each milk tank truck used to pick up farm bulk milk must be inspected annually. Milk tank truck inspections must now be reported on Form FDA 2399 B. A copy of the last inspection needs to be kept with the tanker so that it may be presented as proof of inspection. The lack of the last inspection sheet will be a debitable item.

EVALUATION FORMS

1. The inspector should fill out the appropriate evaluation form for the type weigher and sampler a minimum of once every two years, but preferably more often if there is an opportunity to observe most of the weigher and sampler's procedures while sampling on one or more farms or at the dairy plants, receiving station and /or transfer stations. New weigher and samplers should be evaluated within 30 days of being permitted or hired, such as a new person in the receiving bay at a milk plant.
2. If the inspector should observe violations while the weigher and sampler is on the farm in the process of picking up milk, or after the weigher and sampler has left the farm, such as a partial pickup, at the receiving area, during milk sampling at the plant, or other situations where an evaluation of the entire sampling procedure can not be made, a sanitary observation sheet with the weigher and sampler's name, permit number, sub- contract hauler's name, and addresses should be filled out with violations noted. These should be handled as described below:
 - A. The evaluation sheets (forms FDA 2399, FDA 2399A or FDA 2399B) or sanitary observation sheet should be filled out thoroughly each time with the licensed weigher and sampler's permit number, sub-contract hauler's name, tanker number, etc.

The top portion of the inspection sheet/sanitary observation sheet needs to be as complete as possible for record keeping and correspondence purposes.
 - B. The bottom part of the remarks column on the evaluation sheet and the entire "objectionable conditions" section is available for inspector's additional facts or observations concerning the weigher and sampler's milk handling/ sampling practices. This information may be helpful to the Regional Manager in evaluating a need for action against the weigher and sampler's permit or for use when corresponding with the sub-contract hauler.
3. Recommendations to the Regional Manager from the inspector concerning action against the weigher and sampler's permit should be made on a separate

piece of paper and attached to the evaluation/ sanitary observation sheet but should not be put on documents provided to the weigher and sampler or sub-contract hauler. Distribution of copies are as follows:

- A. The original copy of the evaluation sheet should be given to the weigher and sampler. The violations observed should be marked on the inspection sheet and discussed with the weigher and sampler.
- B. A carbon copy of the evaluation should be sent to the inspector's Regional Manager.
- C. If a copy of the evaluation or sanitary observation sheet can not be properly completed to hand to the weigher and sampler at the time the evaluation is made, the original copy should be mailed to the weigher and sampler and carbon copy sent to the Regional Manager.
- D. Inspectors should record date of evaluations for assigned weigher and samplers in their record books.

PROCEDURES FOR REGIONAL MANAGERS

Assignment of weigher and samplers (milk haulers) to inspectors for the purpose of evaluation will be done by the Regional Managers. Once weigher and sampler applications (in the case of milk haulers) have been processed in the Richmond office and permits have been issued, a list of weigher and samplers with permit number, sub-contract hauler and other necessary information will be sent to the Regional Managers for the purpose of assigning them to an inspector to evaluate.

- 1. Milk hauler assignments need to be reported back to the Richmond office for record keeping purposes.
- 2. Regional Managers will be responsible for keeping records pertaining to evaluations done by inspectors in their regions. All evaluations/sanitary observations will be forwarded by the inspectors to their regional office.
- 1. The Regional Managers will make copies of the evaluations/ sanitary observation sheets to place in a file for each weigher and samplers assigned to their region.
- 2. Evaluations for haulers assigned to other regions should be forwarded to the Regional Manager in the appropriate region for the record keeping purposes.
- 3. Copies of weigher and sampler evaluations should be forwarded to the Richmond office after being recorded so that they may be placed in the weigher and sampler's permanent record.

CORRESPONDENCE REQUESTING COMPLIANCE

Correspondence requesting compliance with the regulations and/or threatening action against the weigher and sampler's permit and/or sub-contract hauler will be done by the State Sampling Surveillance Officer. It will be the Sampling Surveillance Officer's responsibility to:

1. **Write warning** letters to the weigher and samplers concerning evaluations done by inspectors which indicate habitual violations of proper milk handling and sampling practices.
2. Write letters to sub-contract haulers concerning tanker (and parts) repairs, replacement of sampling equipment, sample storage containers, tanker identification, etc.
3. Write letters and/or request for compliance with the regulations to weigher and samplers and sub-contract haulers concerning practices, such as split shipments of milk or other such practices, involving the sub-contract hauler which is debited against the weigher and sampler's permit.
4. Send copies of weigher and sampler evaluations/sanitary observation sheets to the sub-contract haulers who employ these individuals along with correspondence requesting compliance for debits against the weigher and sampler's permit which involve action or responsibility on the part of the sub-contract hauler.
5. Any correspondence which recommends stringent actions/revocation of the weigher and sampler's permit or against the sub-contract must be approved by the Program Manager. Action, such as permit revocation, will require a hearing as do actions against Grade "A" permits.

WHEN ACTION SHOULD BE TAKEN

Two consecutive violations of the same type or several serious violations observed during the same pickup warrant a warning letter to the weigher and sampler, with a copy to the Richmond office. Correspondence concerning action against weighers and samplers and/or sub-contract haulers should be accompanied by notice of right to a hearing.

1. Regional managers will be responsible for keeping records pertaining to evaluations done by inspectors in their regions. All evaluations/ sanitary observations will be forwarded by the inspectors to their regional office.
2. Evaluations for haulers assigned to other regions should be forwarded to the regional manager in the appropriate region for the record keeping purposes.
3. Copies of weigher and sampler evaluations should be forwarded to the Richmond office after being recorded so that they may be placed in the weigher and sampler's permanent record.

Text from 1999 PMO which reviews all the requirements for the weighing and **sampling program for which Dairy Services is now responsible has been added and follows.**

APPENDIX B. MILK SAMPLING, HAULING, AND TRANSPORTATION

Milk hauling, sampling and transport are integral parts of a modern dairy industry. Hauling, sampling and transport can be categorized into three separate functions. Dairy Plant Samplers, Bulk Milk Hauling, and Sampling and Milk Transport from one milk handling facility to another.

1. MILK SAMPLING AND HAULING PROCEDURES

The dairy plant sampler is an individual responsible for the collection of official samples for regulatory purposes outlined in Section 6 of the *Grade "A" Pasteurized Milk Ordinance*. These persons are employees of the regulatory agency or an official designee of the regulatory agency and are evaluated at least every two-year period by the State Sampling Surveillance Officer. These individuals are evaluated using FDA form 2399--MILK SAMPLE COLLECTOR EVALUATION FORM, which is derived from *Standard Methods for the Examination of Dairy Products*, (most current edition, issued by the American Public Health Association n). A copy of this form is included in this appendix.

The bulk milk hauler/sampler is any person who collects official samples and may transport raw milk from a farm and/or raw milk products to or from a milk plant, receiving station or transfer station and has in their possession a permit from any state to sample such products. The bulk milk hauler/sampler occupies a unique position making this individual a critical factor in the current structure of milk marketing. As a weigher and sampler, they stand as the official, and frequently the only judge of milk volumes bought and sold. As a milk receiver, the operating habits directly affect the quality and safety of milk committed to their care. When the obligations include the collection and delivery of samples for laboratory analysis, the hauler/sampler becomes a vital part of the quality control and regulatory programs affecting producer dairies. Section 3 of the *Grade "A" Pasteurized Milk Ordinance* requires that regulatory agencies establish criteria for issuing permits to bulk milk hauler/samplers. These individuals are evaluated at least once each two years using FDA form 2399a--MILK TANK TRUCK, HAULER REPORT AND SAMPLER EVALUATION FORM.

The milk tank truck driver is any person who transports raw or pasteurized milk products to or from a milk plant, receiving station or transfer station. Any transportation of a direct farm pickup requires the milk tank truck driver to have responsibility for accompanying official samples.

The criteria for permitting these individuals should embrace at least the following:

TRAINING: To understand the importance of bulk milk collection and the techniques of

sampling, all bulk milk hauler/samplers must be told why, and instructed how, in the proper procedures of picking up milk and the collection of samples. This training is industry's responsibility and can be accomplished under the supervision of the dairy fieldman, route supervisors or any appropriate person whose techniques and practices are known to meet requirements.

Training also frequently takes the form of classroom sessions in which the trainer describes pickup practices, demonstrates sampling and care of samples and affords the candidate the opportunity for guided practice in these techniques. Basic considerations of sanitation and personal cleanliness, which are important to the protection of milk quality, are discussed here. Officials administering weights and measures frequently participate in these programs and provide instruction in the measuring of milk and the keeping of required records. An examination is usually administered at the conclusion of this program. Candidates failing the test are denied permits until indicated deficiencies are corrected.

Regularly scheduled refresher short courses by the regulatory agents and officials administering weights and measures, would assist in maintaining and increasing the efficiency of the hauler/sampler.

QUALIFICATIONS:

4. Experience. Experience may include a required period of observation in which the candidate accompanies a bulk milk hauler/sampler in the performance of their duties.
5. Personal References. Permit applications should be supported by suitable references testifying to the character and integrity of the candidate.

EVALUATION OF HAULER/SAMPLER AND PROCEDURES:

The routine inspection of hauling/ sampling procedures provides the regulatory agency with an opportunity to check both the condition of the hauler/sampler's equipment and the degree of conformance with required practices.

The hauler/sampler's technique is best determined when the regulatory agent is able to observe the hauler/sampler at one or more farms. Each bulk milk hauler/ sampler must be inspected by the regulatory agency prior to the issuance of a permit and at least once every 24 months thereafter as referenced in Section 5 of the PMO. The bulk milk hauler/sampler must hold a valid permit prior to collection of official samples.

The procedures for sampling and the care of samples, should be in compliance with *Standard Methods for the Examination of Dairy Products* of the American Public Health Association.

Specific items to be evaluated in determining compliance include:

1. Personal Appearance. Hauler/samplers shall practice good hygiene, shall maintain a neat and clean appearance and not use tobacco in the milk room.
2. Equipment Requirements.
 - a. Sample rack and compartment to hold all samples collected.
 - b. Refrigerant to hold temperature of milk samples between 0 - 4.4 °C (32 -40 °F).
 - c. Sample dipper or other sampling devices of sanitary design approved by the regulatory agency, clean and in good repair.
 - d. Sterile sample bags, tubes or bottles, properly stored.
 - e. Calibrated pocket thermometer certified for accuracy every 6 months, accuracy + or - 1° C (2°F).
 - f. Approved sanitizing agent and sample dipper container.
 - g. Watch for timing milk agitation.
 - h. Applicable sanitizer test kit.
3. Milk Quality Checks.
 - a. Examine the milk by sight and smell for any off odor or any other abnormalities which would class the milk as not being acceptable (reject if necessary).
 - b. **Wash hands** thoroughly and dry with a clean single service towel or acceptable air dryer immediately prior to measuring and/or sampling the milk.
 - c. **Record milk temperature, time, date of pick up and** hauler/sampler identification on the farm weight ticket; monthly the hauler/sampler shall check the accuracy of the thermometer on each bulk tank and record results. Pocket thermometer must be sanitized before use.
4. Milk Measurements.
 - a. The measurement of the milk shall be taken before agitation. If the agitator is running upon arrival at the milk room, the measurement can be taken only after the surface of the milk has been quiescent.
 - b. Carefully insert the measuring rod, after it has been wiped dry with a single service towel, into the tank. Repeat this procedure until two identical measurements are taken. Record measurements on weight ticket.

- c. Do not contaminate the milk during measurement.

5. Universal Sampling System.

It is required that if hauler/samplers collect cow milk samples, the "universal sampling system" be employed, whereby milk samples are collected every time the milk is picked up at the farm. This system permits the enforcement agency, at its discretion, at any given time and without notification to the industry, to analyze samples collected by the hauler/sampler. The use of the "universal sample" puts more validity and faith in samples collected by industry personnel.

- a. Pick up and handling practices are conducted to prevent contamination of milk contact surfaces.
- b. The milk must be agitated a sufficient time to obtain a homogeneous blend. Follow State and/or manufacturer's guidelines.
- c. While the tank is being agitated, bring the sample container, dipper, dipper container and sanitizing agent (for outlet valve), or single-service sampling tubes into the milk room aseptically. Remove cap from tank outlet valve and examine for milk deposits or foreign matter and then sanitize if necessary. Remove cap from transfer hose, prevent contamination of hose cap.
- d. After the milk has been properly agitated, a sample may be taken. Remove dipper or sampling device from sanitizing solution or sterile container and rinse at least twice in the milk.
- e. Collect representative sample or samples from the farm tank. When transferring milk from the sampling equipment, caution should be used to assure that no milk is spilled back into the tank. Do not fill sampling container more than 3/4 full. Close cover on sample container.
- f. The sample dipper shall be rinsed free of milk and placed in its **carrying container**.
- g. Close cover or lid of bulk tank.
- h. The sample must be so identified with the producer's number at the point of collection.
- i. A **temperature control sample** must be taken on the first stop of each load. This sample must be labeled with time, date, temperature and producer and hauler/sampler identification.
- j. Place sample or samples immediately into the sample storage case.

6. Pump Out Procedures.

- a. Once measurement and sampling procedures are completed, with the agitator still running, open the outlet valve and start the pump. Turn off the agitator when the level of the milk is below the level that will cause over-agitation.
- b. When the milk has been removed from the tank, disconnect the hose from the outlet valve and cap the hose.
- c. Observe the walls and bottom of the tank for foreign matter or extraneous material and record any objectionable observations on the weight ticket.
- d. With the outlet valve open, thoroughly rinse the entire inside surface of the tank with warm water.

7. Sampling Responsibilities.

- a. All sample containers and single-service sampling tubes used for sampling shall comply with all the requirements that are in the *Standard Methods for the Examination of Dairy Products*. Samples shall be cooled to and held between 0°C (32°F) and 4°C (40°F) during transit to the laboratory.
- b. Means shall be provided to properly protect samples in sample case. Keep refrigerant at an acceptable level.
- c. Racks must be provided so that the **samples are properly** cooled in an ice bath.
- d. Adequate insulation of sample container box or ice chest shall be provided to maintain the proper temperature of the samples throughout the year.

The State Sampling Surveillance Officer conducts periodic evaluations of sampling procedures. This program will promote uniformity and compliance of sample collection procedures.

II. MILK TANK TRUCK PERMITTING AND INSPECTION

For the purposes of permitting and the inspection of a milk tank truck, the requirements established in Sections 3. and 5. of the *Grade "A " Pasteurized Milk Ordinance* are to be evaluated at least once each year using FDA form 2399b-MILK TANK TRUCK INSPECTION FORM.

Permitting: Each milk tank truck shall bear a permit for the purpose of transporting milk and milk products. (Section 3 of the *Grade "A " Pasteurized Milk Ordinance*) This permit shall be issued to the owner of each milk tank truck by an authorized regulatory agency. It is recommended that this permit be renewed each year pending satisfactory completion of an inspection as outlined in the following "Inspection: " section.

Reciprocity: Each permit shall be recognized by other regulatory agencies under the reciprocal agreements of the National Conference on Interstate Milk Shipments and supporting documents of the *Grade "A" Pasteurized Milk Ordinance*. A milk tank truck need only bear one permit from an appropriate regulatory agency. A milk tank truck may be inspected at any time when deemed appropriate by the regulatory agency. Absent proof of a current permit and current inspection, when the milk tank truck is inspected by a regulatory agency other than the permitting agency, an inspection fee may be charged to the owner of the milk tank truck. This is necessary to allow a milk tank truck to pickup and deliver in several jurisdictions without the need for more than one permit. A regulatory agency may have the option of inspecting any milk tank truck at any time when milk and milk products are transported in or out of a particular jurisdiction. It is the responsibility of the milk tank truck owner or operator to maintain a current proof of inspection to avoid a re-inspection fee. Disputes concerning reciprocal agreements on milk tank truck inspection between regulatory agencies may be tendered to the Chairman of the National Conference on Interstate Milk Shipments or the chair's designee for resolution.

Inspection: Each milk tank truck shall be inspected at least once each year by a regulatory authority. (Section 5 of the *Grade "A" Pasteurized Milk Ordinance*) A copy of the current inspection report shall accompany the milk tank truck at all times.

When significant defects or violations are encountered by a regulatory authority, a copy of that report shall be forwarded to the permitting agency and also carried on the milk tank truck until the violations are corrected.

Milk tank truck inspection shall be conducted in a suitable location, i.e. a dairy plant, milk receiving or transfer station or milk tank truck cleaning facility. Inspection may not require entry of confined spaces as defined by the *OSHA* standards. When significant cleaning, construction or repair defects are noted the milk tank truck shall be removed from service until proper confined entry safety requirements can be satisfied to determine cleaning or repairs needed. Cleaning or repairs may be verified by a qualified individual to the satisfaction of the regulatory agency.

Inspection reports completed by regulatory authorities other than the permitting agency shall be forwarded to the permitting agency for verification of annual inspection as required in the 'permitting' section. The permitting agency may use these reports to satisfy permit requirements.

Milk Tank Truck Standards: All items of the milk tank truck inspection report fall into the categories of 'Compliance', 'Non Compliance' or 'Not Applicable' (NA) as determined during inspection.

1. Samples and Sampling Equipment. (When provided.)
 - a. Sample containers shall be stored to preclude contamination.

- b. Sample box shall be in good repair and kept clean.
- c. Sample transfer instrument shall be cleaned and sanitized to insure that proper samples are collected.
- d. Sample transfer instrument container is provided and adequate means for maintaining sanitizer solutions is on hand.
- e. Samples are properly stored to preclude contamination.
- f. Sample storage compartment shall be clean.
- g. Samples are maintained at an acceptable temperature (32°F to 40°F) and a temperature control sample is provided.
- h. An approved thermometer is available for use by the sampler. (Accuracy of thermometer checked every six months with check recorded on carrying case.)

2. Product Temperature 45°F or Less.

- a. Product temperature must meet all the requirements of Section 7, Item 18r and 17p, Cooling of Milk, of the Grade "A " Pasteurized Milk Ordinance.
- b. Product that remains in external transfer systems that exceeds 45°F is discarded. (This includes pumps, hoses, air elimination equipment or metering systems.)

3. Equipment Construction, Cleaning, Sanitizing and Repair.

Items A. through K. on the MILK TANK TRUCK INSPECTION form shall be evaluated according to the following criteria:

a. Construction and Repair Requirements.

- 1. The milk tank truck and all appurtenances shall meet applicable requirements of Section 7, Item 10p. Sanitary Piping and Item I lp. Construction and Repair of Containers and Equipment, of the Grade "A " Pasteurized Milk Ordinance. Equipment manufactured in conformity with 3-A Sanitary Standards complies with sanitary design and construction requirements of this *Ordinance*.
- 2. The interior of the milk tank truck shall be constructed of smooth, non-absorbent, corrosion-resistant, non-toxic material and it shall be maintained in good repair.
- 3. The appurtenances of the milk tank truck includes hoses, pumps and fittings, shall be constructed of smooth, non-toxic cleanable material and shall be maintained in good repair. Where flexibility is required, the fluid transfer

system shall be free draining and so supported to maintain uniform slope and alignment. They shall be easily disassembled and accessible for inspection.

4. The cabinet portion(s) of the tank, where applicable, used for storage of appurtenances and sampling equipment shall be constructed to preclude contamination by dust, dirt, and be clean and in good repair.
 5. The milk tank truck dome lid assembly, vent and dust cover shall be designed to protect **the tank and** milk from contamination.
- b. Cleaning and Sanitizing Requirements.
1. The milk tank truck and all of its appurtenances shall be cleaned and sanitized in accordance with applicable requirements of Section 7, Item 12p, Cleaning and Sanitizing of Containers and Equipment, of the *Grade "A" Pasteurized Milk Ordinance*.
 2. **The milk tank truck shall be cleaned and sanitized prior to first use. When time elapsed after cleaning and sanitizing before first use exceeds 72 hours, the tank must be resanitized.**
 3. It is allowable to pickup multiple loads continuously within a 24-hour period provided that the milk tank truck is washed after each day used.
 4. Exterior Condition of Tank. The exterior of the milk tank truck is properly constructed and in good repair. Defects and damage that would adversely affect products contained in the milk tank truck are pointed out on the inspection sheet and corrective actions are prescribed. Cleanliness of the milk tank truck exterior is evaluated with consideration for existing weather and environmental conditions.
 5. Wash and Sanitize Record.
 - a. The bulk milk hauler/sampler shall be responsible for assuring that the milk tank truck has been properly cleaned and sanitized. A milk tank truck without proper cleaning and sanitizing documentation shall not be loaded or unloaded until the proper cleaning and sanitation can be verified.
 - b. A cleaning and sanitizing tag shall be affixed to the outlet valve of the milk tank truck until the milk tank truck is next washed. When the milk tank truck is washed, the previous cleaning and sanitizing tag shall be removed and stored at the location where the milk tank truck was washed for a period of no less than 15 days.
 - c. The following information shall be recorded on the cleaning and sanitation tag:

1. Identification of the milk tank truck.
 2. Date and time of day the milk tank truck was cleaned and sanitized.
 3. Location where the milk tank truck was cleaned and sanitized.
 4. Signature or initials of person who cleaned and sanitized the milk tank truck.
 - d. The maintenance of all information on the cleaning **and sanitizing tag shall** be the responsibility of bulk milk hauler/sampler or the milk tank truck operator.
6. Location of Last Cleaning.

The location of the last cleaning shall be verified by the regulatory agency during any milk tank truck inspection and recorded on the inspection sheet.

7. Labeling.

The maintenance of all pertinent information on all shipping documents, shipping invoices, bills of lading or weight tickets is the responsibility of the bulk milk hauler/sampler. A milk tank truck transporting raw, heat-treated or pasteurized milk and milk products to a milk plant from another milk plant, receiving or transfer station is required to be marked with the name and address of the milk plant or hauler and the milk tank truck shall be under a proper seal. All shipping documents must contain the following information as outlined in Section 4. - Labeling of the Grade "A " Pasteurized Milk Ordinance.

- a. Shipper's name, address, and permit number. Each milk tank truck load of milk shall include the IS Bulk Tank Unit (BTU) identification number(s) or the IS listed Plant Number (for farm groups listed with a plant) on the weight ticket or manifest.
- b. Permit identification of hauler, if not an employee of the shipper.
- c. Point of origin of shipment.
- d. Milk tank truck identification number.
- e. Name of product.
- f. Weight of product.
- g. Temperature of product when loaded.

- h. Date of shipment.
- i. Name of supervising regulatory agency at the point of origin of shipment.
- j. Whether the contents are raw, pasteurized, or in the case of cream, lowfat or skim milk, whether it has been heat-treated.
- k. Seal number on inlet, outlet, wash connections and vents.
- l. Grade of product.

All information contained on the above described documents shall be verified by the regulatory agency and recorded on the appropriate inspection sheet for any bulk milk tank trucks under inspection.

8. Vehicle and Milk tank trucks Properly Identified.

It shall be the responsibility of the milk tank truck owner or operator to insure the proper and legible identification of the milk tank truck in their possession.

9. Previous Inspection Sheet Available.

When a milk tank truck transports milk and milk products from one regulatory jurisdiction to another it is not necessary to inspect each milk tank truck upon each arrival. Tank truck owners and operators shall carry proof of annual inspection from a recognized regulatory agency. A milk tank truck may be inspected at any time or at the discretion of any regulatory agency responsible for the milk supply.

10. Sample Chain of Custody.

When samples for official laboratory analysis are transported by any individual where sample chain-of-custody must be established, the driver may be required to carry a valid permit for the collection of samples for official laboratory analysis. As an alternative, a sample case sealed as required by the regulatory agency may be accepted.

SALE OF RAW MILK TO CONSUMERS

Procedures outlined under this section are based on Regulations Governing Grade "A" Milk, Section 2 VAC 5-490-70.

1. It shall be the responsibility of Dairy Services, Office of Dairy and Foods, Department of Agriculture and Consumer Services, to prevent the sale of any product which is not grade A pasteurized, ultra-pasteurized, or aseptically processed milk or milk product to the final consumer, or to restaurants, soda fountains, and grocery stores. No person may sell in, or expose for sale in the Commonwealth any pasteurized, ultra-pasteurized, or aseptically processed milk or milk product which has not been graded or the grade of which is not known to the final consumer, or to restaurants, soda fountains, and grocery stores in the State of Virginia for human consumption.
2. Procedures to follow to prevent the sale of ungraded milk and milk products for sale to the consumer for human consumption:
 - a. When information is obtained that "ungraded milk" or "ungraded milk products" are being sold for human consumption, it is the responsibility of the inspector obtaining such information to investigate the source to determine if ungraded milk or ungraded milk products are being sold for human consumption within their territory.
 - b. Investigations should include the following observations:
 1. Any form of advertisement such as signs indicating milk for sale.
 2. Observation of the delivery of the milk to the consumer, either by vehicle or visits of consumer to the farm to obtain milk or milk products.
 3. Observation of the manner in which milk is packaged such as bottles, small cans or fruit jars which might indicate "the intent to sell".
 4. Obtain names and addresses of persons purchasing milk. In some cases, it might be well to purchase milk yourself. However, this should be done with considerable planning and may be far more effective in the case of retail stores. In cases involving grocery stores and other establishments or city markets, the investigation should follow through to the producer.
5. Record information on the following:
 - a. number of cows, goats or sheep
 - b. estimated volume of milk
6. Use the sanitary observation sheet for a written record and report of your

investigation. An inspection using the sanitary observation sheet should be made on each producer investigated.

- c. If it is determined that ungraded milk or milk products are being sold, an official notice prepared for this purpose shall be issued.
- d. A second investigation shall be made within ten days to determine if the violation has been discontinued. A report of the second investigation shall be made to the office using the sanitary observation sheet. If the violation is being continued, instructions to follow shall be obtained from the office.
- e. Guidelines to follow:
 - 1. It is assumed that restaurants; holding a restaurant permit are regulated and inspected by the agency issuing the restaurant permit, and it is not the responsibility of the Department of Agriculture to inspect such establishments for the sale of ungraded milk or milk products.
 - 2. Retail stores suspected of selling ungraded milk and milk products shall be investigated and handled as stated in A, B, C, & D.
 - 3. A milk producer distributing, selling, or having in his possession with the intent to sell ungraded milk or cream shall be handled as in A through D.
 - 4. A person who has in his possession ungraded milk or ungraded milk products which are being made available to the consuming public shall be treated as having ungraded milk or ungraded milk products in his possession with intent to sell and shall be handled as set forth in A through D.
 - 5. Call your Regional Manager to keep him informed of your actions. It is best if you can take your regional manager with you on investigations so to have a witness. This will be helpful if you have to go to court.

**UNIFORM RETAIL FROZEN DESSERTS ESTABLISHMENT
INSPECTION AND SAMPLING PROGRAM**
REVISED AUGUST 1, 1994

A. INTENT, SCOPE AND INTERPRETATION:

The Virginia Department of Agriculture and Consumer Services in conjunction with the Virginia Department of Health finds and declares that a uniform retail frozen desserts establishment inspection and sampling program is needed to govern the production, processing, labeling, and distribution of ice cream and similar products within the Commonwealth of Virginia. This program relating to ice cream and similar products shall be applicable throughout the Commonwealth of Virginia and shall be enforced on a statewide basis. Products produced, processed, or manufactured under the provisions of this program may be sold in all counties, cities, and towns in this state. They shall not be subject to regulation by ordinance or otherwise to supervision, or to inspection by any political subdivision.

B. DIVISION OF INSPECTION RESPONSIBILITIES:

1. MEMORANDUM OF UNDERSTANDING Between The Virginia Department of Health and The Virginia Department of Agriculture and Consumer Services MILK, FROZEN DESSERTS AND FOOD SANITATION PROGRAM

Section II. Ice Cream and Similar Products Law

The Commissioner of Agriculture and Consumer Services and his agents are charged with administering and enforcing all regulations adopted under the Ice Cream and Similar Products Law; however, to prevent unnecessary duplication of effort and to ensure that each establishment will be inspected by one regulatory agency, the following is agreed:

a. Permits:

1. VDH will initiate the issuance, suspension, reinstatement and revocation of permits for all frozen desserts plants which are an integral part of any premise including Grade "A" milk plants, hotels, restaurants, and mobile units where frozen desserts are frozen or partially frozen or dispensed for sale at retail normally permitted by VDH pursuant to Sections 35.1-1 to -26 and Section 3.1-562.6 of the Code of Virginia.
2. VDACS will initiate the issuance, suspension, reinstatement and revocation of permits for frozen desserts plants which do not qualify for a permit issued by VDH. VDACS shall issue a permit to these establishments under the provisions of Section 3.1-562.6 of the Code of Virginia. Also, the VDACS will issue a permit to all out-of-state firms who desire to manufacture ice cream and similar products, including mix, for sale in the Commonwealth of Virginia.

b. Inspections:

VDH will inspect all places or premises permitted by VDH as often as necessary to insure compliance with all applicable laws, rules and regulations. VDACS will inspect all places permitted by VDACS as often as necessary to insure compliance with all applicable laws, rules and regulations, including Section 7.1 or 2 VAC 5-510-10 thru 2 VAC 5-510-660, RULES AND REGULATIONS GOVERNING THE PRODUCTION, PROCESSING AND SALE OF ICE CREAM, FROZEN DESSERTS AND SIMILAR PRODUCTS.

c. Sampling and Testing:

VDH will be responsible for the regular collection and analysis of samples from places permitted by VDH as often as necessary to insure compliance with all applicable laws, rules and regulations. VDACS will be responsible for regular collection and analysis of samples from places permitted by VDACS as often as necessary to insure compliance with all applicable laws, rules and regulations.

2. In accordance with the Memorandum of Understanding Between the Virginia Department of Agriculture and Consumer Services and The Virginia Department of Health titled "MILK, FROZEN DESSERTS AND FOOD SANITATION PROGRAM," the following interpretation of Section II. Ice Cream and Similar Products Law, part A. Permits, paragraph two concerning Frozen Desserts Retail Establishments is provided.

VDACS will be responsible for inspection and sampling activities at all those frozen desserts retail establishments which:

- a. are an integral part of any retail grocery store, retail food store, convenience food store or similar establishment where frozen desserts or frozen desserts mix are regularly processed and served or sold at retail which do not qualify for a permit from the Virginia Department of Health; or
- b. derive their principle income by processing and/or selling ice cream, frozen desserts and similar products as defined in 2 VAC 5-510-10 thru 2 VAC 5-510-660, RULES AND REGULATIONS GOVERNING THE PRODUCTION, PROCESSING AND SALE OF ICE CREAM, FROZEN DESSERTS AND SIMILAR PRODUCTS, PURSUANT TO Section 3.1-562.1 through Section 3.1-562.10 Code of Virginia, beverages, toppings, condiments or other incidentals, but which do not otherwise qualify for a permit from the Virginia Department of Health.

C. PERMITS:

1. Frozen desserts retail establishments which produce ice cream, frozen desserts and similar products from only pre-packaged mix or reconstitute dry mix only with potable water for sale at retail and do not flavor the mix with anything other than pre-packaged, labeled flavorings intended for that purpose or add other ingredients to the mix prior to freezing and serving will not be issued a permit.
2. Frozen desserts retail establishments which produce ice cream, frozen desserts and similar products from mix and add or prepare and add flavorings not specifically labeled and intended for that purpose, eggs, fresh fruits, nuts, sweeteners or other ingredients prior to freezing will be required to obtain a permit from the Virginia Department of Agriculture and Consumer Services prior to offering for sale any product at wholesale or retail.

D. LABELING:

1. Name and address of manufacturer, statement of quantity, product identity and optional ingredients.
 - a. Any frozen dessert or frozen dessert mix in which a standard of identity has been established shall be deemed to be misbranded if in container or package form unless it bears a label containing:
 1. The name and address of the frozen desserts plant or retail establishment in which the frozen dessert or frozen dessert mix is manufactured, or the name and address of the manufacturer's principal office and a code designation approved by the Commissioner of Agriculture and Consumer Services identifying the plant or establishment in which the food was manufactured.
 2. An accurate statement of the quantity of content in terms of liquid measure.
 3. The name of the frozen dessert or frozen dessert mix defined under the standards of identity.
 4. The label statement of optional ingredients.
 - b. Where the frozen dessert or frozen dessert mix is not manufactured by the person whose name appears on the label, the label shall identify the manufacturing plant by a code designation approved by the Virginia Commissioner of Agriculture and Consumer Services.

E. FREQUENCY OF INSPECTION OF FROZEN DESSERTS RETAIL ESTABLISHMENTS:

1. Each frozen desserts retail establishment shall be inspected at least twice each

year. One of these inspections should be performed after the equipment has been cleaned and is disassembled.

- Violations discovered by inspection should be documented on the inspection report form, discussed with the operator of the frozen desserts retail establishment, and a re-inspect date determined. Repeat violations should be handled: (i) according to procedures established within the Virginia Department of Health to enforce requirements for restaurant permits; or (ii) according to procedures established within the Division of Dairy and Foods to enforce the requirements under the Virginia Food Law.

F. PRODUCT TEST PROCEDURES AND QUALITY REQUIREMENTS:

- No routine sample testing program will be required for ice cream and frozen dessert products processed and sold in retail establishments. Samples may be collected at the discretion of the sanitarian or inspector to support inspection findings, respond to complaints, public health outbreaks or other information.
- Products sampled shall be tested in accordance with tests and examinations contained in Standard Methods for the Examination of Dairy Products or Official Methods of Analysis of the Association of Official Analytical Chemist.
- Quality standards for ice cream, frozen desserts and similar products shall comply with the following standards:

	Standard Plate Count Not More Than	Coliform Determination Not More Than
Plain or Vanilla flavored Frozen Dessert.....	50,000/gr.	10/gr.
Chocolate, fruit, nuts or other bulky flavored frozen dessert.....	50,000/gr.	20/gr.

G. ENFORCEMENT: ICE CREAM, FROZEN DESSERTS AND SIMILAR PRODUCTS QUALITY STANDARDS:

- Violation of the quality standards will be followed up by inspecting the frozen desserts retail establishment to determine the cause of the violation. Samples will be taken where appropriate.
- Violations of the quality standards on two consecutive samples or the presence of E. coli bacteria may result in the suspension of production and sales until test results confirm compliance with the quality standards or in the

case of repeated violations an administrative conference may be held requiring the frozen desserts retail establishment to show cause why they should be allowed to continue production and sale of ice cream, frozen desserts or similar products.

H. SPECIFICATIONS FOR FROZEN DESSERTS RETAIL ESTABLISHMENTS' PREMISES, BUILDINGS, FACILITIES, EQUIPMENT AND UTENSILS:

Retail frozen desserts establishments will comply with the inspection criteria of Rules and Regulations of the Board of Health Governing Restaurants and the Retail Food Store Regulations. The following is presented to provide guidance and training instruction.

1. RETAIL PREMISES.

The frozen desserts retail establishment premises and surroundings shall be kept clean, orderly and free from refuse and rubbish, smoke, excessive dust and air pollution, and strong or foul odors.

2. BUILDING.

- a. Buildings shall be of sound construction. The exterior and interior shall be kept clean and in good repair to protect against dust, dirt and smoke, and to prevent the entrance or harboring of insects, rodents, vermin and other animals.
- b. All rooms, compartments, coolers, freezers and dry storage space in which any mix, packaging material, ingredient supplies or finished products are handled, processed, packaged or stored shall be designed and constructed to assure clean and orderly operations. Toilet rooms supplied with hand washing facilities, hot and cold running water through a mix valve and single service towels or equivalent shall be provided and conveniently located. Doors on all toilet rooms shall be self-closing; and fixtures shall be kept clean and in good repair.

3. INTERIOR FINISHING.

Area below, above and around the operating equipment and freezer shall be constructed of easily cleanable materials, smooth, floors graded to drain where applicable and drains trapped.

4. VENTILATION AND LIGHTING.

- a. All rooms and compartments (including storage space and toilet room) shall be ventilated to maintain sanitary conditions, prevent undue condensation of water vapor, and minimize or eliminate objectionable odors.
- b. Lighting, whether natural or artificial, shall be of good quality and well distributed in all rooms and compartments where mix and frozen desserts are

handled, processed, packaged or where equipment or utensils are washed. Light bulbs and fluorescent tubes shall be protected against breakage.

5. WATER SUPPLY.

Both hot and cold water of safe and sanitary quality shall be available in sufficient quantity for all operations and facilities. There shall be no cross-connection between safe and unsafe water lines or between private and public supply. Bacteriological examination of private water supplies shall be made at required frequencies.

6. DISPOSAL OF WASTE.

Approved sewage disposal shall be provided at each frozen desserts retail establishment sufficient in capacity to remove readily all waste from the premises.

7. EQUIPMENT AND UTENSILS:

a. CONSTRUCTION AND INSTALLATION.

1. Equipment and its installation shall comply with 3-A sanitary standards. Equipment and utensils coming in contact with mix or frozen desserts, including sanitary pumps, piping, fittings and connections, shall be constructed of stainless steel or other equally corrosion-resistant material. Nonmetallic parts having product contact surfaces shall be of materials that meet 3-A sanitary standards for plastic or rubber-like materials.
2. All equipment and piping shall be designed and installed to be easily accessible for cleaning, shall be kept in good repair, and free from cracks and corroded surfaces. Equipment shall be set away from any wall or spaced in such a manner to facilitate proper cleaning and good housekeeping. All parts or interior surfaces of equipment, pipes, or fittings, including valves and connections shall be accessible for inspection.

b. CLEANING AND SANITIZING.

1. For manual cleaning and sanitizing of equipment and utensils, a sink with two or three compartments shall be provided and used. Sink compartments shall be large enough to accommodate the immersion of most equipment and utensils, and each compartment of the sink shall be supplied with hot and cold potable running water. Where immersion in sinks is impracticable (e.g., because equipment is too large), equipment and utensils shall be cleaned and sanitized manually or by pressure spray methods.
2. Drain boards or easily movable utensil tables of adequate size shall be provided for proper storage and handling of soiled utensils prior to

cleaning and for cleaned utensils following sanitizing and shall be located so as not to interfere with proper use of the warewashing facilities.

3. The sinks shall be cleaned before use.
4. Equipment, sanitary piping, and utensils used in receiving, storing, processing, manufacturing, packaging, and handling milk, dairy products, mix or frozen desserts, and all product contact surfaces shall be cleaned after each use and at least once each day.
5. The packing glands on all agitators, pumps, and vats shall be inspected at regular intervals and kept clean.
6. After being cleaned and immediately before use, all equipment coming in contact with milk, dairy products, mix or frozen desserts shall have an effective bactericidal or sanitizing treatment.
7. Before use, equipment not designed for C-I-P cleaning shall have been disassembled and thoroughly cleaned and sanitized. Dairy cleaner, wetting agents, detergents, sanitizing agents, or other similar material may be used that will not contaminate or adversely affect dairy products. Steel wool or metal sponges shall not be used in the cleaning of any dairy equipment or utensils.
8. C-I-P cleaning shall be used only on equipment and pipeline systems that are designed and engineered for that purpose. Installation and cleaning procedures shall comply with 3-A Accepted Practices for Permanently Installed Sanitary Product - Pipelines and Cleaning Systems. An outline of the cleaning procedures to be followed shall be posted near C-I-P equipment.

8. OPERATIONS.

- a. Frozen desserts retail establishments which reconstitute powder or dry frozen desserts mix. Powder or dry frozen desserts mix shall be reconstituted with potable water in one of the following ways:
 1. If the retail establishment possesses and uses a mechanical means capable of cooling the reconstituted mix to 45 degrees F within four hours, cold tap water may be used.
 2. If the retail establishment does not possess or use a mechanical means capable of cooling the reconstituted mix to 45 degrees F or below within four hours, only potable water at a temperature of 40 degrees F or below shall be used.

- b. Freezer cleaning. Equipment used to freeze frozen dessert mix shall be emptied and cleaned at least once each day unless otherwise designed and approved.
- c. Rerun. Rerun is any product and/or mix salvaged for re-use from frozen dessert freezer machines when emptied. The use of rerun is not recommended. If product is salvaged and reused it must be handled in a sanitary manner, protected from contamination and properly refrigerated. Samples of unopened frozen dessert mix and frozen dessert product dispensed from freezers may be taken for comparison to demonstrate adulteration and support inspection findings.
- d. Packaging. Frozen dessert mix remaining in the frozen desserts freezer may be packaged in properly labeled and designed containers and offered for sale at retail. Properly packaged frozen desserts shall be stored and displayed in freezers or cabinets capable of maintaining the products in a firm, frozen condition. Properly packaged frozen desserts shall not be sold or offered for sale except on the premises where packaged.
- e. Thermometers. Each frozen dessert retail establishment shall have available a metal stem-type numerically scaled indicating thermometer, accurate to plus or minus 2 degrees Fahrenheit for use to assure attainment and maintenance of proper temperature during preparation and storage of frozen desserts mix and frozen desserts.

I. MOBILE FOOD UNITS:

Mobile food units will be inspected prior to registration to ensure their compliance with these requirements and at least yearly thereafter. Mobile food unit operators will be required to furnish the regulatory agency with their intended locations of operation, dates and times prior to setting up for business anywhere in the Commonwealth of Virginia and maintain their calendar on a continuous basis with the regulatory authority.

- 1. MINIMUM STANDARDS: Mobile food units shall comply with the following requirements except that the absence of toilet facilities shall be permitted.
 - a. Water supply. An approved potable water supply under pressure shall be provided and kept in a supply tank having a capacity sufficient to furnish enough hot and cold water for food preparation, utensil cleaning and sanitizing, and hand washing as required by regulation but not less than 20 gallons. The tank shall be installed to permit complete drainage, and a suitable drain cock shall be provided. The water inlet pipe shall be of removable flexible copper or other approved tubing, with the nozzle for hose connection capped when not in use. A hose for connection to the potable water supply shall be provided, and it shall be equipped with an approved backflow prevention device.

- b. Personnel sanitation. A hand wash sink, with running hot and cold water, soap and single service or individual towels or mechanical hand dryer shall be provided.
- c. Waste-water tank. A suitable waste-water tank with a capacity at least 15% larger than the water storage tanks capacity shall be provided. The tank shall be installed to permit complete drainage and shall be provided with a suitable drain, emptied and flushed as often as necessary, and shall be maintained in a sanitary condition.
- d. Refrigeration. A refrigerated box capable of maintaining a temperature not exceeding 45 degrees Fahrenheit shall be provided for holding the various ingredients or frozen desserts mix. The box shall be of ample capacity and of stainless steel or other noncorrosive material. It shall be provided with metal racks or platforms or shelves on which to store products or ingredients and shall be equipped with an indicating thermometer.
- e. Partition. There shall be a partition or self-closing doors between the driver's seat and the manufacturing and serving area, unless an air conditioner is operating.
- f. Return to depot. Mobile food units that do not return to a depot each evening shall be equipped with hot and cold water and a sink large enough to accommodate the largest piece of equipment to be cleaned.
- g. A suitable refuse container with suitable cover shall be provided inside the vehicle. The outside of the mobile unit shall be equipped with a suitable waste container for the depositing of cups, cones, napkins, etc. by patrons.

2. OPERATING FROM DEPOT REQUIRED:

- a. All mobile food units, except those operated exclusively at fairs, outings, carnivals and other affairs of short duration, shall operate from depots. Such depots shall be large enough to accommodate one or more mobile food units for cleaning and sanitizing.
- b. Units shall return to their respective depots at least once a day for cleaning and sanitizing
- c. Depots shall comply with the following requirements:
 - 1. Walls. Walls shall be reasonably smooth and clean. There shall be no opening in the walls or at the base of doors where vermin or rodents may enter.

2. Floors. The floors shall be constructed of impervious materials and shall be provided with a drain and sloped to the drain. The juncture of the floor and walls shall be coved.
3. Ventilation. Adequate ventilation facilities shall be provided and shall be screened or otherwise protected to prevent the entrance of flies, other insects, vermin or rodents.
4. Personnel sanitation. Suitable toilet facilities, hand washing facilities equipped with hot and cold running water, soap, single service towels or air dryers, clothes lockers and garbage cans shall be provided.
5. Sink. A sink large enough to accommodate the largest piece of equipment to be washed, drain boards of impervious material and a sufficient supply of hot and cold running water shall be provided.
6. Lighting. Adequate lighting shall be provided.
7. Hoses. Hoses shall be equipped with a backflow prevention device to eliminate possible contamination from return flow, and hoses shall be stored to permit complete drainage and to avoid contamination.
8. Drying rack. A metal pipe drying rack or its equivalent for drying utensils and equipment shall be provided.
9. Storage of wastes. Suitable covered storage facilities or containers for all refuse and waste shall be provided. Refuse and waste shall be removed daily from each depot.
10. Separation of areas. A physical separation between the area where the trucks are located and the area where food is stored shall be required.
11. Storage of food. If frozen desserts, frozen desserts mix, flavors, syrups, fruit and other edible materials are stored at a depot, they shall be stored in rooms completely separated from rooms where cleaning and sanitizing are done. Food materials shall be kept at temperatures necessary to prevent spoilage and under conditions which will prevent contamination.
12. Water supply. Depots shall be equipped with an adequate supply of potable, hot and cold water from an approved source.
13. Water testing. Samples for bacteriological testing of individual water supplies shall be taken upon the initial approval of the supply, a frequency of not less than once every 12 months thereafter and when any repair or alteration of the water supply system has been made.

3. **PUSHCARTS:**

Mobile food units and pushcarts that serve only food that is prepared, packaged in individual servings, transported, and stored under conditions meeting the requirements of this program, or beverages that are not potentially hazardous and are dispensed from covered urns or other protected equipment, need not comply with those requirements pertaining to the necessity of water and sewage systems nor to those requirements pertaining to the cleaning and sanitization of equipment and utensils if the required equipment for cleaning and sanitization exist at the depot.

- a. Single service articles. Mobile food units and pushcarts shall provide only single-service articles for use by a consumer.
- b. Depot required. Mobile food units and pushcarts shall operate only from an approved depot.

RETAIL FROZEN DESSERTS INSPECTIONS

When performing retail frozen desserts inspections, Dairy Services will use the Retail Frozen Dessert Establishment Report Form (See Copy of form following this section).

A. Writing the Inspection sheet:

1. Fill out inspection report form. In the remarks section a written narrative of the objectionable conditions should be listed in ranking order of seriousness, from the most serious to the least serious. Common sense should be used in determining the ranking of items in order from most to least serious. The following ranking is a guideline of what is more serious to less serious for listing and coding the inspection sheet.

Adulterated food>Rodents>Insects>Temperature Hot or Cold> Dirty Equipment> Sanitizing>Plumbing>Equipment>Unprotected Food>Employee Practices>Dirty Premises>Building>Pesticide Misuse>Self Service not supervised>Misbranding

This is a general ranking and there will be times depending on the extent and the severity of the violation when this ranking will not be accurate. The above ranking is only a guideline, not a "hard and fast" rule.

2. If this is a new firm and/or has changed ownership since your last inspection, a Retail Frozen Desserts Registration form needs to be filled out by the owner. If the firm was operating under a previous owner, an inspection sheet with the term "OOB - Out of Business" should be sent in to cancel the record of the former owner. The new inspection sheet with the CFN section left blank or with the term "NEW FIRM" and the completed registration form should be sent in with the cancellation papers for the old registration. An explanation, such as, "This business is under new ownership" and stating the name, address and telephone numbers in the remarks section is helpful, particularly if the name of the business (example: TCBY) has not changed.

In cases where a number of violations exist and it is necessary to further describe conditions present, a sanitary observation sheet should also be used. When a sanitary observation sheet is used, the following format should be followed.

The sanitary observation sheet should be used to state objectionable conditions found during an inspection of a retail frozen desserts firm or dipshop. An example of the way to cite objectionable conditions is, "Employees working without hair restraints."

A. Writing the Sanitary Observation Sheet

1. Objectionable conditions should be list in ranking order of seriousness of the violations from most serious to least serious. Common sense should be used in determining the ranking of items in order from most to least serious. The following

ranking is a guideline of what is more serious to less serious for listing and for coding the inspection sheet.

2. Once objectionable conditions have been ranked from most to least serious, the inspection sheet should be coded at the top.

B. Terms for Classifying Inspection Sheets

It is important that inspectors understand inspection frequencies placed on inspection sheets when they are classifying an inspection must be observed. This should not affect the way a firm is classified because the classification of the inspection is based on the number and nature of the violations observed and recorded. The following are guidelines for classifying inspections and the frequency guidelines which go with the classifications.

1. NAI - no action indicated; This classification indicates substantial compliance with the Virginia Food Laws. An NAI classification should be used when only minor violations are cited and there is no evidence of rodents or insects. This classification has a reinspection rate of a maximum of 6 months from the date of the last inspection.
2. VAI - Voluntary Action Indicated - This classification should be used when violations observed are not an immediate hazard. This classification would be used when minor insect problems exist, temperature violations of 5°F or less are observed, or sanitizer strips are not being used but the sanitizer is at acceptable concentration. A more frequent inspection rate is warranted. Reinspection of firms with this classification should be performed within two to three months after the last inspection but should not exceed 90 days from the date of the last inspection or the end of the month designated in the inspection classification. For example, if an inspection is classified as a VAI and you put May as the month of inspection, you must reinspect by the end of month of May unless that time period would be greater than 90 days.
3. OAI - Official action indicated; This classification should be used when serious violations are observed. Examples of violations which warrant an OAI classification are: temperature violations of the food product of 10°F or greater, rodent or significant insect activity, very dirty equipment or multiple pieces of equipment used in processing food and failure to sanitize equipment are violations for which should an OAI classification would normally be used. As well, OAI should be used if previously marked violations of the same kind are not corrected since last inspection. A reinspection rate of 2 weeks to no more than 30 days from the date of the last inspection is warranted when an OAI classification is used. A warning letter may be sent to the client about conditions where grievous violations are noted.

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RETAIL FROZEN DESSERTS SAMPLING PROCEDURE

In order to standardize the submission of SAMPLE COLLECTION REPORTS for retail frozen desserts samples, the following instructions are provided:

A. SUBMITTING SAMPLES TO DEPARTMENT OF CONSOLIDATED LABORATORY SERVICES (DCLS) IN RICHMOND, VIRGINIA

DCLS in Richmond, Virginia keys sample results into the Bureau of Food Inspection data base. In order for them to key the results for us, we must first key in the sample collection information contained on the SAMPLE COLLECTION REPORT. For this reason the handling of SAMPLE COLLECTION REPORTS will be different than when samples are submitted to DCLS laboratories in Luray and Abingdon, Virginia.

1. Complete SAMPLE COLLECTION REPORT as indicated by attached examples.
2. Remove the pink copy from the SAMPLE COLLECTION REPORT and mail directly to the Richmond Office on the same day as the samples are collected.
3. Deliver the remaining copies of the SAMPLE COLLECTION REPORT with the samples. Enclose all SAMPLE COLLECTION REPORTS in an envelop and attach to the outside of the sample shipping container.
4. When the completed SAMPLE COLLECTION REPORTS are returned to the Richmond Office, the white copy will be filed in the establishment folder, the yellow copy will be returned to the establishment, and a copy will be made for return to the sampling inspector.

B. SUBMITTING SAMPLES TO DEPARTMENT OF CONSOLIDATED LABORATORY SERVICES(DCLS) IN LURAY AND ABINGDON, VIRGINIA

1. Complete SAMPLE COLLECTION REPORT as indicated by attached examples.
2. Deliver all copies of the SAMPLE COLLECTION REPORT with the samples. Enclose all SAMPLE COLLECTION REPORTS in an envelop attached to the outside of the sample shipping container.
3. When the completed SAMPLE COLLECTION REPORTS are returned to the Richmond Office, the white copy will be filed in the establishment folder, the yellow copy will be returned to the establishment, and the pink copy will be returned to the sampling inspector.

C. ROUTINE SAMPLE COLLECTION PROCEDURES

1. Collect all samples in sterile 4 oz. cups provided.
2. Identify the sample with the sample identification number at the top of the SAMPLE COLLECTION REPORT, the date, and your initials.
3. Use tamper evident tape on all samples collected to support inspection findings and on all samples collected to follow up on previous sample results.
4. Complete the INSPECTOR'S STATEMENT and mail to the Richmond Office when using tamper evident tape on samples. Keep the green copy for yourself.

NOTE: SAMPLES FROM UNOPENED MIX SHOULD BE RECORDED ON THE DAIRY SERVICES FROZEN DESSERTS TRANSCRIPT 16-A IF THEY ARE TO BE REPORTED AGAINST THE PLANT PERMIT.

D. COMPLIANCE SAMPLE COLLECTION PROCEDURES

1. Collect all samples in sterile 4 oz. cups provided.
2. Identify the sample with the sample identification number at the top of the SAMPLE COLLECTION REPORT, the date, and your initials.
3. Record the sample identification number, date, and your initials on the tamper evident tape. Place the tamper evident tape over the top of the sample cup.
4. Complete the INSPECTOR'S STATEMENT and mail to the Richmond Office when using tamper evident tape on samples. Keep the green copy for yourself.
5. Remember to offer the establishment a duplicate sample when you collect compliance samples. All compliance samples must be submitted in duplicate to DCLS laboratories. A temperature sample must also be included in the shipping container for use by the laboratory.

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PROCEDURE FOR PROCESSING AN ICE CREAM COMPLAINT

A. RECORD OF COMPLAINT FORM

When an ice cream complaint is received, it is necessary to get the most complete information possible in order to perform a proper investigation. The parts of the complaint form (see copy, following page) are as follows:

1. Phone number of the complainant.
2. Date the complaint was received by Dairy Services Branch personnel.
3. Complainant: name and address of the individual making the complaint about the product.
4. Product: Brand name, flavor, standards of identity definition (ice cream, ice milk, quiescently frozen dairy confection, etc.).
5. Container Codes: Embossed plant code and other embossed information or a manufacturer's plant code if printed on carton (should be one or the other).
6. Dealer: Complete name and address of retail outlet where product was purchased.
7. Manufacturer: The plant that actually manufactures the product not the company which distributes the product. If this information is not readily available, get the distributor information for the product.
8. Date purchased: The date the product was purchased.
9. Nature of Complaint: Specifics about the product characteristics and illness; onslaught, duration, symptoms concerning illness. Time between consumption of product and onslaught of illness. How many people affected? Was medical care needed or received?
10. Complaint received by, date/time: Name of individual who took the complaint, date and time of day the complaint was received.
11. Disposition, Date: How the complaint was handled. Date of resolution. Outcome of investigation. Signature of the individual who finished the Record of Complaint form and placed it in the file.

B. INVESTIGATION PROCEDURES:

If instructions are not given, information is not clear, and/or if more details are needed, the complainant may need to be contacted. At times the complainant has physical

evidence or there is information on the product container which makes it necessary to re-contact the complainant and/or visit the complainant to thoroughly investigate the complaint.

1. Unless instructed to do so, do not collect the complainant's sample of the product. An unopened sample of the identical product with the same plant code should be collected from the retail outlet where product was purchased or from another retail outlet.
2. An ice cream transcript (Dairy and Foods form 16-A) with complete information should be filled out with specific information concerning the types of analyses to be performed on it. Submit this form with the sample to the laboratory where sample is taken. This transcript should be cross-referenced (put information in a blank area on the form) indicating that it goes with a certain complaint. This will enable staff in the Richmond office to match this form with other information about the complaint for the Ice Cream Complaint file.
3. An original copy of a detailed report concerning the investigation should be sent to the Richmond office immediately and a copy should be sent to your supervisor.

C. RESOLUTION OF THE COMPLAINT:

Once the analysis of the sample has been completed and all the reports regarding the complaint have been received by the Richmond office, the investigation will be considered complete or further instructions concerning follow up will be given to the inspector involved in the investigation. The complainant will be contacted by the Richmond office to inform them of our findings and the disposition of the case.